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REPORTS

FROM

COMMITTEES

TEN VOLUMES.

—(4.)—

COUNTY FINANCIAL ARRANGEMENTS;
MALT TAX; POLICE SYSTEMS OF SCOTLAND.

Session

19 *November* 1867 —— 31 *July* 1868.

VOL. IX.

1867–8.

REPORTS FROM COMMITTEES:

1867-8.

TEN VOLUMES:—CONTENTS OF THE

FOURTH VOLUME.

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REPORT

FROM THE

SELECT COMMITTEE

ON

COUNTY FINANCIAL ARRANGEMENTS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
13 *July* 1868.

421.

Wednesday, 29th April 1868.

Ordered, THAT a Select Committee be appointed to inquire into the present mode of conducting the Financial Arrangements of the Counties in England and Wales, and whether any alteration ought to be made either in the persons by whom, or the manner in which, such arrangements are now conducted.

Monday, 11th May 1868.

Committee nominated:—

Colonel Wilson Patten.
Mr. Scourfield.
Mr. Wyld.
Mr. Henniker-Major.
Lord Henley.
Sir William Gallwey.
Mr. Kendall.
Mr. Neville-Grenville.
Mr. Bruce.
Admiral Duncombe.
Mr. Hibbert.
Mr. Hodgkinson.
Mr. Kavanagh.
Mr. Read.
Mr. Heneage.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Tuesday, 12th May 1868.

Ordered, THAT the Select Committee on County Financial Arrangements do consist of Seventeen Members.

Ordered, THAT Lord Edward Cavendish and Mr. Dent be added to the Committee.

Friday, 26th June 1868.

Ordered, THAT Mr. Hodgkinson be discharged from further attendance on the Committee, and that Mr. Clive be added thereto.

Monday, 13th July 1868.

Ordered, THAT the Committee have power to Report their Opinion, together with the Minutes of Evidence taken before them, to the House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the present mode of conducting the FINANCIAL ARRANGEMENTS of the COUNTIES in *England* and *Wales*, and whether any Alteration ought to be made either in the Persons by whom, or the Manner in which, such Arrangements are now Conducted;—HAVE considered the matters to them referred, and have come to the following RESOLUTIONS, which they have agreed to Report to the House—

THAT it is the opinion of this Committee—

1. That it appears by the evidence given before the Committee, by persons residing in various counties of England,—

1st. That the administration of the financial business of counties has been hitherto conducted by the magistrates with a general regard to economy.

2nd. That, nevertheless, a desire prevails on the part of county ratepayers to place the County Finance more directly under their own control, by means of elected representatives to be associated with the magistrates in the expenditure of the rate.

3rd. That this desire appears to arise generally from considerations of public policy, but also, in some instances, from a want of sufficiently detailed information as to county expenditure.

2. That this Committee, judging from the general tenour of the evidence, believes that a system of financial control, of which the following shall form the principal provisions, would be satisfactory to the ratepayers:

1st. That the Boards of Guardians in counties should elect representatives, who should be admitted to take part in and vote at all meetings of magistrates held in such counties for the consideration of questions of of county expenditure.

2nd. That in cases where a Poor Law Union is situated in more than one county, a representative may be elected in each county where there are at least six parishes or townships; and that where there is a less number, the parishes or townships should be added to the adjoining union for the purposes of election.

3rd. That committees appointed for the purpose of managing the finances of separate departments, should consist of an equal number of magistrates and representatives, each body electing its own members of such committees.

3. That this Committee is of opinion that the mode of keeping the public accounts should be uniform in all counties; that a detailed statement of them should be published in some newspaper of the county at least once in each year, and be forwarded to each Board of Guardians; and that some officer should be appointed for the Audit of Public Accounts.

4. That the clerk of the peace of every county shall be elected by the court of quarter sessions.

13 July 1868.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 19*th May* 1868.

MEMBERS PRESENT:

Colonel Wilson Patten.
Admiral Duncombe.
Lord Henley.
Mr. Heneage.
Mr. Kendall.
Mr. Scourfield.
Lord Edward Cavendish.
Mr. Dent.
Mr. Wyld.
Mr. Neville-Grenville
Mr. Henniker-Major.
Mr. Hodgkinson.

Colonel *Wilson Patten* was called to the Chair.

The Committee deliberated.

[Adjourned to Friday, 5th June, at Twelve o'clock.

Friday, 5*th June* 1868.

MEMBERS PRESENT:

Colonel WILSON PATTEN in the Chair.

Mr. Kendall.
Lord Henley.
Admiral Duncombe.
Mr. Wyld.
Mr. Henniker-Major.
Mr. Kavanagh.
Lord Edward Cavendish.
Mr. Scourfield.
Mr. Hibbert.
Mr. Heneage.

The Lord *Kesteven* (attending by permission of the House of Peers), the Rev. *Shepperd Birley*, Mr. *Thomas Tudor Trevor*, and Mr. *Henry Sewell Stokes*, were severally examined.

[Adjourned to Tuesday next, at Twelve o'clock.

Tuesday, 9*th June* 1868.

MEMBERS PRESENT:

Colonel WILSON PATTEN in the Chair.

Mr. Wyld.
Lord Henley.
Mr. Kavanagh.
Mr. Kendall.
Lord Edward Cavendish.
Mr. Henniker-Major.
Mr. Heneage.
Admiral Duncombe.
Mr. Scourfield.
Mr. Dent.
Mr. Bruce.
Mr. Read.

Rev. *John King Eagles*, Mr. *John Soulby*, Mr. *Antony Sharpley*, Mr. *Evan Davies*, and Mr. *Samuel Minor*, were severally examined.

Mr. *Henry Sewell Stokes* further examined.

[Adjourned to Friday next, at Twelve o'clock.

Friday, 12*th June* 1868.

MEMBERS PRESENT:

Colonel WILSON PATTEN in the Chair.

Lord Henley.
Mr. Wyld.
Admiral Duncombe.
Mr. Kavanagh.
Lord Edward Cavendish.
Mr. Kendall.
Mr. Dent.
Mr. Scourfield.
Mr. Bruce.
Mr. Read.

Mr. *Thomas Hawkins*, Mr. *Amis Hempson*, and Mr. *John Curtis Haward*, were severally examined.

[Adjourned to Tuesday next, at Twelve o'clock.

Tuesday, 16*th June* 1868.

MEMBERS PRESENT:

Mr. WYLD in the Chair.

Admiral Duncombe.
Mr. Neville-Grenville.
Lord Henley.
Mr. Heneage.
Mr. Kavanagh.
Mr. Hibbert.
Lord Edward Cavendish.
Mr. Henniker-Major.
Mr. Scourfield.
Colonel Wilson Patten.
Mr. Hodgkinson.
Mr. Read.
Mr. Dent.

Rev. *John King Eagles* further examined.

Rev. *John Pearson*, Mr. *William Bainton*, Mr. *Charles Higby Latimer*, Mr. *Edward Kelsey*, and Rev. *C. T. Whitley*, were severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 19*th June* 1868.

MEMBERS PRESENT:

Colonel WILSON PATTEN in the Chair.

Admiral Duncombe.
Mr. Read.
Mr. Neville-Grenville.
Mr. Kavanagh.
Mr. Kendall.
Lord Henley.
Mr. Wyld.
Mr. Heneage.
Lord Edward Cavendish.
Mr. Dent.
Sir Wm. Payne Gallwey.
Mr. Henniker-Major.

Sir *William Miles* and Mr. *Francis Henry Dickinson* were severally examined.

[Adjourned to Tuesday next, at Twelve o'clock.

Tuesday, 23*rd June* 1868.

MEMBERS PRESENT:

Colonel WILSON PATTEN in the Chair.

Mr. Kendall.
Lord Henley.
Mr. Kavanagh.
Mr. Hibbert.
Mr. Wyld.
Admiral Duncombe.

Mr. Scourfield.
Mr. Neville-Grenville.
Mr. Henniker-Major.
Sir W. Payne Gallwey.
Lord Edward Cavendish.
Mr. Heneage.

Mr. *Edwin Patchitt*, Mr. *Thomas Duckham*, Mr. *Thomas Bush*, and Mr. *Kendall* (a Member of the Committee), were severally examined.

[Adjourned to Friday next, at Three o'clock.

Friday, 26*th June* 1868.

MEMBERS PRESENT:

Colonel WILSON PATTEN in the Chair.

Lord Henley.
Admiral Duncombe.
Lord Edward Cavendish.
Mr. Kavanagh.
Mr. Kendall.
Mr. Scourfield.

Mr. Wyld.
Sir. W. Gallwey.
Mr. Henniker-Major.
Mr. Heneage.
Mr. Neville-Grenville.

Mr. *Francis Henry Dickinson* further examined.

Sir *Massey Lopes* (a Member of the House) and Mr. *Scourfield* (a Member of the Committee) were severally examined.

[Adjourned to Tuesday, 7th July, at 12 o'clock, to consider Resolutions.

[Further adjourned to Monday, 13th July, at Twelve o'clock.

Monday, 13*th July* 1868.

MEMBERS PRESENT:

Colonel WILSON PATTEN in the Chair.

Lord Henley.
Mr. Wyld.
Mr. Neville-Grenville.
Mr. Kendall.
Mr. Clive.
Mr. Kavanagh.
Mr. Bruce.

Mr. Dent.
Mr. Heneage.
Lord Edward Cavendish.
Mr. Read.
Mr. Scourfield.
Mr. Henniker-Major.

Motion made and Question put, "That the Resolutions to be proposed by the Chairman be now read"—The Committee divided:

Ayes, 11.

Mr. Scourfield.
Mr. Wyld.
Mr. Henniker-Major.
Mr. Kendall.
Mr. Neville-Grenville.
Mr. Bruce.
Mr. Kavanagh.
Mr. Read.
Mr. Heneage.
Lord Edward Cavendish.
Mr. Clive.

Noe, 1.

Lord Henley.

RESOLUTIONS

RESOLUTIONS proposed by the Chairman, read as follows:

"1. THAT it appears by the evidence given before the Committee, by persons residing in various counties of England,—

"1st. That the administration of the financial business of counties has been hitherto conducted by the magistrates with a general regard to economy.

"2nd. That, nevertheless, a desire prevails on the part of county ratepayers in favour of placing the County Finance more directly under their own control, by means of County Financial Boards.

"3rd. That this desire appears to arise from considerations of public policy, and, in some instances, from a want of sufficiently detailed information as to county expenditure, rather than from dissatisfaction with the magistracy.

"2. That this Committee, judging from the general tenor of the evidence, believes that a system of financial control, of which the following shall form the principal provisions, would be satisfactory to the ratepayers:

"1st. That every Board of Guardians in a county should elect one representative, who should be admitted to take part in and vote at all meetings of magistrates held in the same county for the consideration of questions of county expenditure.

"2nd. That in cases where a Poor Law Union is situated in more than one county, a representative may be elected in each county where there are at least parishes or townships; and that where there is a less number, the parishes or townships should be added to the adjoining union for the purposes of election.

"3rd. That sub-committees appointed by such meetings for the purpose of managing the finances of separate departments, should not exceed eleven in number, and should consist equally of magistrates and elected ratepayers, with the addition of one magistrate as chairman, who should have a casting vote.

"3. That, having in view the various purposes for which county rates are levied and expended, amongst which the chief are Police, Prisons, Lunatic Asylums, County and Hundred Bridges, Militia Storehouses, with other miscellaneous objects, this Committee is of opinion that in establishing a popular control over County Expenditure an exception should be made with respect to Police and Prisons; and that inasmuch as the magistrates are alone responsible for the peace of the county, the control of these latter should rest exclusively with them.

"4. That this Committee is of opinion that the mode of keeping the public accounts should be uniform in all counties, and a detailed statement of them should be published in some newspaper of the county at least once in each year, and be forwarded to each Board of Guardians."

RESOLUTIONS proposed by Mr. *Wyld*, read as follows:

"That the evidence given before this Committee shows that much dissatisfaction with the present administration of the county finances exists throughout the ratepayers of the counties of England and Wales. That this feeling prevails not only with the occupiers, but with the owners of property.

"That this dissatisfaction does not arise from want of confidence in or distrust of the magistrates and Courts of Quarter Sessions; but that the levying and expending of the funds received for county purposes is the only instance in the fiscal system of England and Wales of the taxpayer having no control through his elected representatives of the monies raised and expended for public requirements.

Resolved,

"That the evidence given before this Committee has led them to the conclusion, that, notwithstanding the financial affairs of the counties of England and Wales may have been conducted by the justices of the peace with an earnest desire for economical administration, yet considerable sums of money are expended without detailed and effectual control, and that no good system exists for a proper audit of the county expenditure.

"That the principle and machinery proposed in a Bill to establish County Financial Boards, and for the administration of county expenditure for England and Wales, prepared and brought in by Mr. Wyld and Mr. Hodgkinson, during the present Session of Parliament, have been generally approved by the representatives of the contributors to the county rates, who have appeared before this Committee, and that this Committee recommend to the House the adoption of the aforesaid Bill as the basis for any future legislative action.

"That the counties of England and Wales should be formed into districts for the audit of the receipts and expenditure of the county rates, and that efficient and responsible officers should be appointed according to the provisions of clauses 128 & 129 in the County

Financial Boards Bill, prepared and brought in during the present Session of Parliament by Mr. Wyld and Mr. Hodgkinson."

1st Resolution proposed by the Chairman, read, and amended.

Amendment proposed in the second subdivision, to leave out the words, "County Financial Boards," in order to add the words, "elected representatives to be associated with the magistrates in the expenditure of the rate"—(Lord *Henley*)—instead thereof.—Question, "That the words proposed to be left out stand part of the proposed Resolution," —put, and *agreed to.*—Question put, "That the words be there added."—The Committee divided:

Ayes, 10.	Noe, 1.
Mr. Scourfield.	Mr. Wyld.
Mr. Henniker-Major.	
Lord Henley.	
Mr. Kendall.	
Mr. Neville-Grenville.	
Mr. Bruce.	
Mr. Kavanagh.	
Mr. Heneage.	
Lord Edward Cavendish.	
Mr. Clive.	

Third subdivision amended.

Amendment proposed after the word "policy," to insert the words, "and from the ratepayer having no voice through his elected representative of the monies raised and expended for county purpose"—(Mr. *Wyld*)—instead thereof.—Question, "That these words be inserted"—put, and *negatived.*—Other Amendments made.—Proposed Resolution, as Amended, *agreed to.*—"*Resolved,* That it appears by the evidence given before the Committee, by persons residing in various counties of England,—

"1st. That the administration of the financial business of counties has been hitherto conducted by the magistrates with a general regard to economy.

"2nd. That, nevertheless, a desire prevails on the part of county ratepayers to place the county finance more directly under their own control, by means of elected representatives to be associated with the magistrates in the expenditure of the county rate.

"3rd. That this desire appears to arise generally from considerations of public policy, but also, in some instances, from a want of sufficiently detailed information as to county expenditure."

Second proposed Resolution read, and *amended.*

Amendment proposed in the first subdivision, after the word "representatives," to insert the words, "not being magistrates"—(Mr. *Read*).—Question put, "That those words be there inserted."

Ayes, 4.	Noes, 9.
Mr. Kendall.	Mr. Scourfield.
Mr. Bruce.	Mr. Wyld.
Mr. Read.	Mr. Henniker-Major.
Mr. Clive.	Lord Henley.
	Mr. Neville-Grenville.
	Mr. Kavanagh.
	Mr. Heneage.
	Lord Edward Cavendish.
	Mr. Dent.

Another Amendment proposed, after the same word, to insert the words, "and that all the powers now held by the magistrates in quarter sessions, so far as regards the consideration of questions connected with the county expenditure, and the audit of accounts, should be invested in a financial board consisting equally of magistrates and ratepayers, who

who should appoint all sub-committees from amongst themselves, and receive their reports —(Mr. *Heneage*).—The Committee divided.

Ayes, 5.

Mr. Scourfield.
Mr. Wyld.
Mr. Kavanagh.
Mr. Dent.
Mr. Heneage.

Noes, 8.

Mr, Henniker-Major.
Lord Henley.
Mr. Kendall.
Mr. Neville-Grenville.
Mr. Bruce.
Mr. Read.
Lord Edward Cavendish.
Mr. Clive.

Another Amendment proposed, after the same word, to insert the words, "who shall be admitted to take part and vote in all matters relating to the county finances; and that the justices of the peace of each county shall, at their general quarter sessions, elect out of the justices for the county so many justices of the peace as are equal to the whole number of persons to be elected members of the county financial board by the said board of guardians; and the justices of the peace, together with the members to be elected by the boards of guardians, shall be the county financial board for the county—(Mr. *Wyld*).—Question, "That those words be inserted,"—put, and *negatived.*

Another Amendment proposed, after the same word, "to insert the words, that the boards of guardians in counties should elect representatives, their number bearing reference to the population and property actually comprehended in the county in which each union is situate, and that they should be associated with an equal number of magistrates, to form a board, at which all questions of county expenditure should be determined, excepting those that refer to police and prisons"—(Mr. *Scourfield*).—Question put, "That those words be there inserted."—The Committee divided:

Ayes, 6.

Mr. Scourfield.
Mr. Wyld.
Mr. Kendall.
Mr. Kavanagh.
Mr Heneage.
Mr. Dent.

Noes, 7.

Mr. Henniker-Major.
Lord Henley.
Mr. Neville-Grenville.
Mr. Bruce.
Mr. Read.
Lord Edward Cavendish.
Mr. Clive.

Another Amendment proposed, after the same word, to insert the words, "one from every union, but when the number of unions in a county is less than ten, each union should elect two representatives"—(Mr. *Henniker-Major*).—Question put, "That those words be there inserted."—The Committee divided:

Ayes, 3.

Mr. Wyld.
Mr. Henniker-Major.
Mr. Read.

Noes, 10.

Mr. Scourfield.
Lord Henley.
Mr. Kendall.
Mr. Neville-Grenville.
Mr. Bruce.
Mr. Kavanagh.
Mr. Heneage.
Lord Edward Cavendish.
Mr. Dent.
Mr. Clive.

Other Amendments made.—Question put, "That the proposed Resolution, as Amended, be agreed to."—The Committee divided:

Ayes, 9.

Mr. Henniker-Major.
Lord Henley.
Mr. Kendall.
Mr. Neville-Grenville.
Mr. Bruce.
Mr. Kavanagh
Mr. Read.
Lord Edward Cavendish.
Mr. Clive.

Noes, 2.

Mr. Wyld.
M. Heneage.

Resolved, "That this Committee, judging from the general tenor of the evidence, believes that a system of financial control, of which the following shall form the principal provisions, would be satisfactory to the ratepayers:—

"1st. That the boards of guardians in counties should elect representatives, who should be admitted to take part in and vote at all meetings of magistrates held in such counties for the consideration of questions of county expenditure.

"2nd. That in cases where a poor-law union is situated in more than one county, a representative may be elected in each county where there are at least six parishes or townships; and that where there is a less number, the parishes or townships should be added to the adjoining union for the purposes of election.

"3rd. That committees appointed for the purpose of managing the finances of separate departments should consist of equal numbers of magistrates and representatives; each body electing its own members of such committees."

Proposed Resolution 3rd, read, and *negatived.*

Proposed Resolution 4th, read, amended, and *agreed to,* as follows:—*Resolved,* "That this Committee is of opinion that the mode of keeping the public accounts should be uniform in all counties; that a detailed statement of them should be published in some newspaper of the county at least once in each year, and be forwarded to each board of guardians; and that some officer should be appointed for the audit of public accounts."

Resolved, "That the clerk of the peace in every county shall be elected by the court of quarter sessions."

Question, "That these Resolutions be reported to the House,"—put, and *agreed to.*

Ordered, To Report, together with the Minutes of Evidence and an Appendix.

EXPENSES OF WITNESSES.

Name of Witness.	Profession or Condition.	From whence Summoned.	Number of Days Absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Rev. Shepperd Birley	Clergyman	Lythan	2	4 4 –	2 2 –	6 6 –
Mr. Thomas Tudor Trevor	Solicitor	Guisborough	3	5 10 –	6 6 –	11 16 –
Mr. Henry Sewell Stokes	Solicitor	Bodmin	3	5 17 8	6 6 –	12 3 8
Rev. John King Eagles	Clergyman	Taunton	2	3 3 9	2 2 –	5 5 9
Mr. John Soulby	Merchant	Malton	3	3 7 3	3 3 –	6 10 3
Mr. Antony Sharpley	Farmer	Wragby	3	1 18 6	3 3 –	5 1 6
Mr. Evan Davies	Farmer	Much Wenlock	3	2 16 –	3 3 –	5 19 –
Mr. Samuel Minor	Land Agent	Wellington	3	2 13 6	3 3 –	5 16 6
Mr. Charles Higby Latimer	Farmer	Wheathampstead	1	– 9 6	1 1 –	1 10 6
Mr. William Bainton	Farmer	Beverley	3	2 11 –	3 3 –	5 14 –
Mr. Edwin Patchitt	Attorney	Nottingham	6	5 – –	12 12 –	17 12 –
Mr. Thomas Duckham	Farmer	Ross	4	4 4 –	4 4 –	8 8 –
Mr. Thomas Bush	- - -	Alveston, Bristol	6	3 – –	6 6 –	9 6 –
Mr. Edwin Lovell	Solicitor	Wells	2	2 12 6	4 4 –	6 16 6
Rev. John Pearson	Clergyman	Worcester	2	2 2 –	2 2 –	4 4 –
					TOTAL - - - £.	112 9 8

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

Friday, 5*th June* 1868.

MEMBERS PRESENT.

Lord Edward Cavendish.
Admiral Duncombe.
Mr. Heneage.
Lord Henley.
Mr. Henniker-Major.
Mr. Hibbert.
Mr. Kavanagh.
Mr. Kendall.
Colonel Wilson Patten.
Mr. Scourfield.
Mr. Wyld.

COLONEL WILSON PATTEN, IN THE CHAIR.

The Right Honourable the Lord KESTEVEN, attending by permission of the House of Peers, Examined.

Rt. Hon. Lord *Kesteven.*
5 June 1868.

1. *Chairman.*] OF what Quarter Sessions is your Lordship the Chairman?—I am Chairman of the Quarter Sessions for the Division of Kesteven, which is a portion of the county of Lincoln. The Committee are aware that Lincolnshire is divided into three divisions, each under a separate Commission of the Peace, and is virtually three separate counties for all judicial and financial purposes.

2. Are you able to inform the Committee what is the total amount at which the whole county of Lincoln is rated?—No; I can only give you information regarding that which I have paid particular attention to, namely, my own division. I can state to the Committee the amount raised for the last 10 years for general purposes, and for the police; and I can also give a digest or analysis of how it is expended under each separate item.

3. First, will you state what is the total amount raised in the division of Kesteven?—The amount for the last 10 years, from 1858 to the conclusion of 1867, comes to an average of exactly 3 *d.* in the pound on the assessment.

4. What is the total amount of property assessed?—The assessment is 664,004.

5. Does that assessment of 3 *d.* in the pound include the whole of the county expenses?—It includes all the charges, including the police; it varies slightly from year to year, like all other county rates; it is not the same every year; it was 3⅛ *d.* for the year 1867, and in the preceding year 1866, it was 2⅝ *d.*, therefore it was less than 3 *d.* for that year; but it comes out in the 10 years to exactly an average of 3 *d.* The total amount for 10 years raised by the county rate in that division, has been 2 *s.* 6¼ *d.*, which comes to only ¼ *d.* over 3 *d.* in the pound, spread over the 10 years, so that it comes out to an average of 3 *d.* in the pound.

6. Should you say that in the 10 years the inclination has been to increase or decrease?—Certainly not to increase in any way whatever; I will venture to say that there is no county in England which raises a lower county rate, and in which it is managed with greater economy. Taking the first year which I have given, 1858, the amount raised was 3⅜ *d.* in the pound; and in the year 1867, at the end of 10 years, it was 3⅛ *d.*, so that it was actually less than it was 10 years before; I can also show the distinction between the amount expended for the police, and the amount expended for general purposes.

7. Taking the police first, have the expenses of the police increased during that time?—They had never increased until last year 1867, when the total amount levied for the police rate in that division was 1⅝ *d.*, rather more than a moiety of 3 *d.* It has run as nearly as possible that an average of one moiety of the whole rate has gone to the police. (*His Lordship delivered in the Table*, vide *Appendix*).

8. Has the number of your police remained stationary?—No; in the last year there has been a very slight increase, I think not above two or three men, but there was an increase in the pay. The Chairman will probably know that the police pay throughout the kingdom has been increased; it was commenced in this metropolis, and throughout the kingdom the rate of pay of the police has been augmented. The chief constables stated that they could not obtain men at the old rate of pay, and the rate was raised slightly, therefore there has been an equivalent increase of charge for the police for the last year.

9. Have you, as chairman of quarter sessions, had any application made to you on the part of the ratepayers in any part of the division for an

Rt. Hon. Lord *Kesteven.*

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increase of police?—Not by the ratepayers; the application came from the chief constable.

10. Have you had any complaints made from any part of the division about the expense of the police establishment?—No; I think that in our county we were unwilling to adopt the system, and we did not adopt it until it became compulsory by Act of Parliament. We are a purely agricultural county with a very small amount of crime, and we felt that it was a vast expense for a very small advantage. I myself, always, when I was in this house, opposed its being made compulsory, and that was the general feeling throughout the country, but when it was made so we adopted it in its fullest sense, and did our best to make it effective, and I believe that there is no more effective force in the county than ours.

11. How many police have you?—In Kesteven 65; viz., 3 superintendents, 2 inspectors, 9 serjeants, and 51 constables.

12. What is the population of the county?—It was 464,400 in 1861. The population of Kesteven was 103,525 in that year. I may explain to the Committee that the northern division of the county called the division of Lindsey is larger than the other two divisions put together, both in area and in population, and therefore it has a larger police force.

13. What proportion does the expense of the police bear to the other rates?—It is as nearly as possible one moiety. I hold in my hand now, a digest of the expenditure of my division of the county for 10 years, and the total amount is, 107,997 *l.* 2 *s.* 9¾ *d.* Of this sum the charge for the rural police is 52,275 *l.* 12 *s.* -¼ *d.*, and to this must be added the additional expense for stations and lock-ups, amounting to, 4,015 *l.* 4 *s.* 7 *d.*, giving a total expenditure for the police of over 56,000 *l.*, the total for all purposes being 107,997 *l.*; so that the expense of the police may be considered as one moiety of the whole.—(*His Lordship delivered in the Table,* vide *Appendix*).

14. What is the next largest item in that return?—The next largest expense I should say was the expenditure for the gaol. We have a prison at a place called Falkingham, a house of correction, which is calculated to hold only 60 prisoners with comfort; it can hold more at a stretch, but it is a local house of correction and a gaol where prisoners are kept for trial at the quarter sessions, and under sentence of imprisonment from the assizes.

15. Are you rated for the expenses of the gaol at Lincoln?—Yes, which I can give the Committee also. We pay in the proportion of 18-80ths. The county is divided into 80ths, and therefore in the parts of Kesteven, which is something short of 1-4th of the whole, the average proportion which we pay for the county gaol and the judges' lodgings at Lincoln, amounts to a total for 10 years of 5,914 *l.* 4 *s.* 3½ *d.* That gives an average for each year of about 600 *l.* a year, which the parts of Kesteven pay towards the maintenance of the county gaol, the judges' lodgings, and the expenses incident to the county gaol.

16. What voice have you in the management of the expenses of the county gaol?—We have a general gaol sessions held quarterly, when the justices of the whole county are summoned, but owing to the great extent of the county, which is above eighty miles from north to south, the gaol is very materially managed, as you may suppose, by those who live within an easy distance; the more distant magistrates do not attend unless there is something of peculiar importance demanding their presence. For instance, a few years ago, the situation of keeper of the gaol became vacant. As the Committee are aware, that office is in the gift of the high sheriff of the county, but he placed it at the disposal of the magistrates who had to vote the salary, and on that occasion I wish to show that the county magistrates, exercising due economy, reduced the salary very considerably from what it was when the former man held the office. So again, when the situation of keeper of the House of correction was vacant at Falkingham, only last year, by the retirement of the old keeper of the house, the salary was also reduced; and the same occurred last year also, when the situation of clerk of the peace was vacant. The Committee are probably aware that the salaries of clerks of the peace are compounded for upon the basis of the fees that they took prior to the passing of the Act, enabling justices to compound with them. They were compelled by that Act to give the then holder of the office the average of the fees which he had received for a certain number of years, I think seven years preceding; but on the avoidance of the office, or death of the holder, it was in the power of the magistrates to revise the salary, and we did so, and we reduced it from 840 *l.* a year to 600 *l.* a year, greatly to the dissatisfaction of the clerk of the peace; but the magistrates were firm in their resolution. He appealed to the Secretary of State, who referred the case to me, as chairman of quarter sessions, for my answer; and I drew up a reply which was satisfactory to him, for he confirmed our judgment, and we saved the county 240 *l.* a year in salary.

17. Have you a lunatic asylum?—We have, and it is and has been an enormous source of expense to the county; it is situated at Lincoln for the whole county. The assessment for the lunatic asylum is upon the assessible value of the whole county, in those proportions which I have stated to you, a certain proportion being levied upon each of the divisions. That expense is pretty nearly at an end now we hope; the asylum has been from time to time very much enlarged, and although the original contract for the building was not much more than 40,000 *l.*, it eventually cost the county more than 100,000 *l.* Owing to the imperfection of the returns as to the number of lunatics we had very great difficulty in obtaining a knowledge of the whole of those who were likely to become chargeable, and the consequence has been that the lunatic asylum has been obliged to be enlarged from time to time. It holds over 500 persons, and the buildings extend over six acres of ground. As I have observed, above 100,000 *l.* was expended in building, furnishing, and fitting up.

18. What does that come to in annual rating?—In the year 1866 we had nothing to pay except for maintenance. You are aware that there are certain pauper lunatics with which the whole county is chargeable. The number is very small in our division; we have only one pauper lunatic at this moment, and it cost us last year 23 *l.* 2 *s.* 3 *d.* for the maintenance of that one pauper. The weekly average of each pauper lunatic per head is now, I think, 8 *s.* -½ *d.*

19. The management, I understand you to say of the lunatic asylum scarcely enters at all into the annual rates?—Very little now. It has been

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a very heavy cost within these last two or three years. I see in 1865 my division paid 2,115 *l.* towards it, and in the preceeding year 1,800 *l.*: but that was at the time when the asylum was being enlarged.

20. Have you any debt upon it?—We have no debt whatever on our county rates; we have never indulged in the principle of borrowing, which I think is a very bad financial arrangement, inasmuch as everybody knows that if it is extended over a period of a certain number of years, you end in paying 40 *s.* in the pound for what you borrow. I am happy to say we have always paid as we have gone on, and never have had any debt; therefore our county rate is probably on that ground so very small.

21. What is the next charge?—The expenses of prosecutions amount to a certain sum; but the Committee are aware it is repaid by the Treasury; still it comes into this account, and is a matter of charge, but it is afterwards a matter of discharge by receipt from the Treasury; it averages in my division of the county about 350 *l.* a-year, which is reimbursed by the Treasury.

22. What comes upon the county?—In fact, little or nothing, except any fractional parts which may be disallowed by the Treasury; it is very rare that they disallow much, because I should be prepared to show the Committee if they think fit that of late the expenses for prosecutions at assizes and sessions are remarkably low; the expenses of prosecutions for 10 years amount to 3,638 *l.* 18 *s.* 3 *d.*, and that would give an average of 360 *l.* for each year.

23. Lord *Henley.*] When you have had to build police and magistrates' rooms, is that included in the 3 *d.*?—Yes, we have had to do that, but not for the last seven years. Ten years ago, 1858, 1859, and 1860, there were large sums paid for that purpose. That was when the rural police was instituted, and it was necessary to build those station houses and lock-ups with a petty sessional room, and there were very heavy charges in those years which caused the excess in the county rate, but of late years all the expense attached to them is keeping them in repair, which is very slight.

24. *Chairman.*] What is the next item?—The next item is under the head of "bridges;" they are exceedingly light in this county. The Committee are aware, perhaps, that we are obliged to keep in repair the roadways over the bridges, and for a certain distance each side, but it would appear that the whole cost of our bridges for 10 years was only 771 *l.* 1 *s.* 7½ *d.*, which would give an average of about 77 *l.* a year.

25. Does that include the salary of the bridgemaster?—No; the bridges are under the county surveyor, who has a salary of 50 *l.* a year only. The next item is that of salaries, which are rather heavy, and they amount very nearly to an average of 1,000 *l.* a year. The amount for 10 years is 9,875 *l.*, which will give as nearly as possible an average of 1,000 *l.* a year, and that amount includes the clerk of the peace, the county treasurer, and the county surveyor.

26. Am I correct in understanding that the county surveyor for all purposes had only 50 *l.*?—Only 50 *l.*; he is a very eminent architect, and a very clever man; and he does all our work for 50 *l.* a year. I may add that the county surveyor has a bill for incidental expenses besides, occasionally, when he has to do any extra work, such as preparing plans, or going on journeys, or anything of that sort. In fact, at this very moment we are compelled to make some alterations in our house of correction, not at the option of the justices at all, but we are compelled to do it by the inspector of prisons.

27. There is no county surveyor of Lincoln, is there, to whose expenses you contribute?—None whatever; each division contributes to its own. I may say there is a prison at Lincoln, the architect of which has the charge of the county hall and the judges' lodgings, and the castle of Lincoln, which is a very extensive and fine old building; at least, the outworks of it; they contain within them the assize hall and prison for debtors and criminals, and the gaoler's residence. There is a surveyor there who has the charge of it at a separate salary, but it comes under the head of gaol sessions, and not under the distinct charge of my division. I stated that the salaries average a fraction under 1,000 *l.* a year. The next item is the coroner's expenses, which come exactly, or as near as possible, to an average of 300 *l.* a year for this division, the total being 3,053 *l.* 7 *s.* 9 *d.*, which gives, divided by 10, 300 *l.* a year, with a fraction of the odd 53 *l.* over. The next item is the weights and measures, which is not a very heavy expense, and sometimes there are, in fact, on the other side, incidental receipts, which are penalties for persons having short weights, and confiscated weights, which are sold as old metal. In reality, the expenses of the inspectors of weights and measures is recouped by the receipts from the penalties, although I have not got the receipts with me to show that. Then there is the printing and advertising, which is a very heavy expense. For instance, we pay 65 *l.* a year for the register of voters to begin with. The average for the 10 years' printing and advertising is 260 *l.* a year, the total being 2,654 *l.* 7 *s.* 8 *d.* I do not give the exact fraction, but the average would be 260 *l.* Then come the incidental and other expenses, which amount to about 400 *l.* a year on the average, the total being 4,141 *l.* 10 *s.* 10¾ *d.* The Committee are aware of the nature of those incidental expenses; for instance, the gaol has been altered; we are obliged to allow the surveyor for the plans, and for journeys, and various things. Then there is the removal of prisoners to and from the gaol to the two different places. I may state that we have two different quarter sessions now for my division, which is a very extensive division, it being between 40 and 50 miles long. There is one quarter sessions for the southern part of it, held at Bourne, of which I am chairman; and it it is then held by adjournment at Sleaford, which is at the northern end of the county, of which Colonel Packe is the chairman, but the accounts, of course, are all kept together. Those are the total of the items which I have to give to the Committee. There is an item for the conveyance of prisoners to the gaol, but that is very small; in last year it only amounted to 34 *l.* 17 *s.* 7 *d.*, and the total for the 10 years is 708 *l.* 13 *s.* 11 *d.*, which would give an average of about 70 *l.* a year for the conveyance of prisoners. Our house of correction is in a central spot, between the two places where the quarter sessions are held; and then there are petty sessional divisions besides. Therefore, this expense arises under the head of conveyance to and from the house of correction.

28. Are the expenses of conveying prisoners arranged; do you allow a mileage?—We allow a mileage; I may say that we made a new arrange-

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ment about that this year. The gaoler was formerly allowed to move them, and he was allowed a certain expense for doing so. An allowance was made to him for keeping a horse or horses for the purpose; but when we engaged a new gaoler last year, we put an end to the system of the gaoler keeping a horse, for it was found that he did not want it often, and that it was better to hire when wanted, and the superintendents of the police then had an allowance to enable them to keep a horse and cart, in order to convey the prisoners to gaol, and we have an omnibus, to which we put post horses to bring the prisoners to the place of trial.

29. Will you now explain to the committee what are the financial arrangements amongst the magistrates by way of administration; have you a committee, for instance?—The business is chiefly done by adjournment of the quarter sessions in this way. You are aware, I presume, that by Act of Parliament, the accounts are audited in open court at the quarter sessions. That is a mere formal ceremony, which nobody in court, except the chairman, the treasurer, and two or three magistrates who sit near him could know much about; and it is required by Act of Parliament, when they are so passed at the quarter sessions, they are advertised in the papers having the most circulation, with all items given separately. In fact I have here a copy of the county treasurer's report, which is handed in to the Secretary of State annually.

30. My question referred rather to the arrangements for deciding on the expenditure?—We do it in this way; after the quarter sessions are held we adjourn the court to the 15th day afterwards; the sessions are held on the Monday, and we adjourn to the Tuesday fortnight, and then all bills are required to be produced, the clerk of the peace and the county treasurer are in attendance and produce all the bills that have been sent in, and they are carefully examined by the magistrates in what may be called a committee, but I call it an adjourned quarter sessions, and every account is carefully cast up and examined as to the items, and they are allowed or disallowed in whole or in part, as it is thought fit; that account is then paid between that period and the ensuing quarter sessions, and those are the accounts which are produced upon the bench and passed at the ensuing general quarter sessions, they having previously been carefully audited, cast up and paid.

31. For instance, does the bridge master or the county surveyor exercise his own judgment?—Not at all; he is under the control of the justices; he appears either at the general quarter sessions or the adjourned quarter sessions, as the case may be, when a bridge is reported to be insecure, or to require repair, and he produces his plans and his estimates, and then the work is done in accordance with them by tender generally speaking. We have one bridge under repair at this moment, owing to some portion of the masonry giving way, but it is a mere trifling job; there is nothing of any great amount. I alluded before to the alterations in the house of correction. Being an ancient gaol it was scarcely adapted to the modern system of separate cells, although there were a great number of separate cells, but still there were a number of what are called day rooms which are not now in use in the prison, but as we had facilities for doing so we cut them up into separate cells without disturbing the general fabric. The inspector of prisons reported to us that he could not report the gaol as sufficient for sanitary purposes, and that he should refuse the certificate to the Secretary of State, unless we not only altered those interior arrangements, but also provided for the warming of every cell; and he said that he could not certify that we were entitled to the maintenance allowance from the treasury unless we went into those matters; therefore he put that pressure upon the justices which they could not resist, and we were obliged to do it. The consequence is, that we are at this moment carrying out those alterations at a cost of something like 1,200 *l.*, or perhaps rather more, when they are fitted up and furnished, and it will take nearly one half-penny upon the rateable value of the division to cover those expenses.

32. You state, do you not, that you have a finance committee?—I can hardly call it a finance committee; we meet by adjournment, but we do not specially appoint a finance committee.

33. How many magistrates are there in your division?—We are very thin of magistrates, and we want more, but we have a difficulty about an increase, because the lay element is not numerous of educated men and persons of position, consequently we have a good many clerical magistrates, which is indispensable. I also act in another division of the county, called the parts of Holland, where the bulk of the magistrates are necessarily clergymen, because there are very few resident gentry there.

34. Could you from that paper which you have before you, mention, with regard to what portion of the rates which you conceive to be incumbent upon you, you have any discretion as magistrates?—I conceive that we have no discretion whatever, except that if we had to build a new gaol, our architectural fancies might possibly be indulged in; but there is always, in that case, the check of the Secretary of State, who will not pass the plans, or agree to them if they are excessive; but we do not require that. We have built a new gaol for the county at Lincoln, and by the alterations which I have alluded to in the district house of correction our requirements will be satisfied.

35. Will you give the other side of the account; about what proportion of those rates do you hold to be in the discretion of the magistrates?—I cannot say that I think there is any discretion; indeed it is hardly optional; the expenses are all statutable. Take the gaols, for instance; they are under the supervision of the Secretary of State. Under the Act of Parliament the magistrates have no power to do anything there. With regard to the bridges, the Committee are aware, I presume, that the counties are not compelled to build new bridges. In former times we assisted local parties who were willing to contribute towards the expense, but not for many years past: we have simply kept them in repair. We have not built any new bridge, I think, since I have been chairman of quarter sessions. The only item in which we have any jurisdiction is the salaries; and, with regard to them, I have shown to the Committee that we reduced the salaries both of the gaoler and the clerk of the peace. I see no other way in which we have any jurisdiction. The clerk of the peace has no fees or allowance whatever, except money out of pocket; and if he is money out of pocket, for certain matters they come under the head of incidental expenses, but they are very small indeed.

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36. In what position is your clerk of the peace?—He is a leading attorney. He is a new man. He was only appointed last autumn. He is a very able and clever man. He was appointed by the late lord lieutenant, Lord Aveland. His name is Phillips, and he lives at Stamford.

37. Has your clerk of the peace any deputy?—No, he has power by Act of Parliament to appoint one. I am not aware that it is binding; but I understood from the late lord lieutenant that he made it a special condition when he appointed our clerk of the peace, that he should not appoint a deputy clerk of the peace without consulting him. It was a private engagement, because the law does give the clerk of the peace power to appoint a deputy, and I think it is occasionally abused.

38. Can you speak for the rest of the county of Lincoln. Do you know whether any of the other clerks of the peace of other divisions employ deputies?—None at this moment. It has been done in my division; but in that case it was a case of sickness, and the clerk of the peace died shortly afterwards, and he was necessitated to appoint one; also in the parts of Holland, for the same reason, the late clerk of the peace appointed a deputy for a time. He has since deceased, and there has been none since. The clerk of the peace in the parts of Holland is also paid by salary, of the same amount as we pay in Kesteven. The clerk in the other division of the county, Lindsey, I think, has been compounded for, but he is a very old officer; he has held his office for very many years. I am not a magistrate for Lindsey, and therefore I cannot speak positively upon that head. I may say that I am chairman of the quarter sessions for the liberty and jurisdiction of Peterborough, which is a part of the county of Northampton, but separate. It is a peculiar jurisdiction having extensive power. We try all prisoners short of capital offences. I am chairman there also, but I do not propose to go into that, because its financial arrangements do not come under my view.

39. Will you give us the next highest salary to that of the clerk of the peace?—The salary fixed under the present arrangement with our gaoler for the house of correction, I think, is 160 *l.* a year, with a very good house and garden, and he has no other allowances that I remember, except fuel and rations.

40. What assistants has he?—Only two warders and matron, she being his own wife or his daughter, and I think she has 40 *l.*, which makes up 200 *l.* a year, as far as I recollect. I am only speaking from memory. The late gaoler had considerably more.

41. Where was the gaoler before he came to you?—He was the gaoler for the city of Peterborough, where he had a smaller salary, and he got our situation as a promotion by merit, and a very excellent officer he is.

42. Is the system of promotion kept up in the county?—No, he came out of another county. I was, perhaps instrumental in moving him there, because I knew him to be a good officer, and was very glad to get him.

43. There is no system of promotion, is there, from one gaol to another?—No, I have never known of a warder being made into a gaoler. We take a superior class of man to a warder for a gaoler.

44. How many prisoners will the house of correction hold?—I hold in my hand the county treasurer's report in the form in which it goes to the Secretary of State, and it states, that last year the number of prisoners at the assizes from the division of Kesteven were nine, and the cost was 98 *l.* 16 *s.* 7 *d.*, which would give an average per case of 9 *l.* 17 *s.* 6 *d.* The number tried at the quarter sessions was 28, at a charge of 181 *l.* 9 *s.*, which would give a cost per case of about 6 *l.* 5 *s.* The next would be under the Criminal Justice Act. We tried 55 at a cost of 72 *l.* 10 *s.* 5 *d.*, and the cost per case there would be about 25 *s.* or 26 *s.* Under the Juvenile Offenders Act, seven were tried at a cost of 7 *l.* 9 *s.* 8 *d.*, which would give a cost of about 22 *s.* or 23 *s.* per head.

45. Those do not all come into the gaol, I presume?—Those all come into the gaol.

46. Will you give us the number that come into the gaol?—I have not them summed up. Sometimes, even under the Juvenile Offenders Act, they do not always come into the gaol, or even under the Criminal Justices Act; so that it would be an erroneous estimate.

47. Could you give the average number of prisoners for each year?—I have not got any return of that, but I think I can give it from memory, pretty nearly.

48. What should you say, speaking from memory, was about the average number of prisoners in charge of the gaoler?—Many of them are for summary convictions, for petty offences, vagrants, and so on, and I should say, that at present the average is from 35 to 40. The other day, at our last quarter sessions they were just over 30, I think, and they have been diminishing. Crime is exceedingly low in my county. Twice within the last three or four years as chairman of quarter sessions I have had a maiden session, and had the usual compliment of a pair of gloves.

49. Mr. *Wyld.*] Is it an average of 30 per annum?—That would be the average number in the gaol at any given time.

50. *Chairman.*] Do you know how many the gaol will accommodate?—About 60; we have had many more formerly, but of late years very seldom more than 35.

51. What is the total expense of the gaol?—The total expense of the gaol, including repairs, for 10 years is 9,394 *l.* 19 *s.* 7 *d.*; that would be an average cost of about 900 *l.* or 950 *l.* a year; it would give a less average than 1,000 *l.* a year, including all repairs, salary of gaoler, and maintenance of prisoners, but you are aware that we are repaid a portion of the maintenance; that is what the inspector of prisons said he should not certify, that we were not entitled to unless we altered the gaol in accordance with his views. The dietary is regulated by the Secretary of State, and it varies, of course, under different circumstances. I cannot give you the average amount per head, but it is less than 3 *s.* per head, I think.

52. The maintenance of prisoners before conviction of course comes on the county?—Yes.

53. Is the maintenance of those prisoners included in the sum which you have given of 1000 *l.* a year?—I think it is; I have no other heads for it, so that I have no doubt that that includes the whole.

54. Mr. *Wyld.*] You were only repaid according to the return before the Committees, 422 *l.* 4 *s.* 1 *d.*?—I think that was for maintenance

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tenance after conviction; they were prisoners undergoing sentences of imprisonment in the house of correction. Those sort of prisoners who are tried at the assizes and who are sentenced to imprisonment are sent there. They are not only prisoners who are tried at the quarter sessions, but prisoners tried at the assizes are sent to the house of correction, and therefore the county gaol has but very few prisoners, and those only prisoners for trial or until they are removed for penal servitude; and as the Home Office do not hurry themselves about it, they leave them there for some time. There is another item which is an intermittent item, and does not occur every year, but we have been at heavy expenses formerly with militia storehouses. In the 10 years they have cost the county 2,457 *l.* 2 *s.* 11 *d.*

55. *Chairman.*] Who keeps your accounts?—The county treasurer keeps the accounts; he is chief clerk at the bank at Sleaford, and a very able and good man he is.

56. What salary does he receive?—I think he has 50 *l.* a year.

57. What security have you from him?—We have very ample security; I think to the amount of 2,000 *l.*

58. What is the amount that he ever has in his hands?—His balances vary; I think at the commencement of the present year they were 1,968 *l.* His balances are swelled by the police rate; they require a large sum of money for police. I have already stated that we have no debt; our plan has always been if we contemplate any extra expenditure rather to anticipate it by raising a little larger rate in advance, so that it should come more easily over the ratepayers instead of meeting it all at once; for instance, if there is a heavy expenditure we spread it over two years if possible, and always over one rather than meeting it all in one or two quarters; we find it much more satisfactory to the ratepayers to do it in that way.

59. How often are the accounts audited?—They are audited twice a quarter; they are audited at the quarter sessions in open court, and then they are audited again a fortnight afterwards when the fresh accounts come in; therefore, they are under constant supervision, and no expenses that pass under the eye of any particular magistrate are allowed without his initials being put to them.

60. Have the magistrates ever received any complaint from the ratepayers of your division as to the amount of expenditure?—No, we have never had the slightest complaint in any way; the only thing that I have heard of has been from the new legislative body, called the Chamber of Agriculture; I have heard a good deal of it from them, and I thought that the best way would be to attend their meetings. As you are aware they have very exaggerated notions of the power of magistrates and their extravagance, if I may use the word. I belong both to the Central Chamber and to the County Chamber in my own county, and I thought it was incumbent on me to do so; and a few weeks ago I attended at both of those chambers to disabuse their minds in reference to both those heads, and to give them pretty much the explanation which I have given you, that the justices really cannot spend any money except under the direction of the Secretary of State, and not at their own will and option at all; and I think I have heard very little of it since from any of those quarters that I am connected with.

61. Did they, in any of their communications with you, point out any particular items that they objected to?—No, they did not; I heard it stated by many of them, that no doubt the magistrates exercised due economy and due inspection of the accounts, but they said that they should like the ratepayers to have a voice in the expenditure of the money; and I for one could not deny that representation and the payment of taxes should go together; I felt, and fully admitted that to be so, but I took the liberty of pointing out to them that the tenant farmers, who made the appeal, really do not pay rates; that when they took their farms they calculated to a nicety what their taxes, rates and charges were, and that the rents were adjusted accordingly; and also if a land owner knew perfectly well that if he could let his land free of all rates and taxes, he could have so much more rent for it, as is the case in Scotland; you are aware that in Scotland all the rates and taxes are paid by the landlord, and they are administered by a totally different body to the justices in England, by gentlemen called Commissioners of Supply, who are themselves landowners, because they require a regular qualification. In England, where the tenant pays all the rates, it is perfectly clear that both the tenant and the landlord calculated their amount when they made their arrangements, and therefore it appears to me that it is not the tenant but the landlord who pays them in the case of a tenant farmer; but when a man is a yeoman, and I have many such in my county, who occupy their own estates, of course he pays the rates the same as any other landowner does.

62. In the case of a long lease the increase or decrease of the rate is of very material consequence to the tenant, is it not?—Unquestionably; and if there was a very great and sudden increase it would be an injustice to him. If in the county of Lincoln they thought fit to build a gaol which cost a large sum he would have a grievance; but in my own county those things do not come under our purview, and I have shown you that the rates are rather on the decrease than on the increase, and that they maintain a steady average without any material difference one way or the other.

63. Did the Chambers of Agriculture, in their communications with you, point out any system of representation which they should prefer?—Yes, they did; they thought that a portion of the committee should be elected by the boards of guardians to act in conjunction with the magistrates, and I believe the honourable Member for Bodmin's Bill recognised that principle by making it half-and-half, which was the Bill, in fact, under discussion by this Chamber of Agriculture. I have not the least objection to it, and I told them that I should be most happy and willing, as a magistrate, to act with such men. I could put my finger in my county upon 100 men who are just as good men for financial arrangements as the magistrates themselves, men of intelligence and education, and perfectly competent to deal with accounts, but the case does not rest upon their capacity, it rests upon the question of convenience in the transaction of public business. You are aware that boards of guardians are elected annually, and a man may be chosen at a board of guardians to represent them upon the finance committee of the county, but next year he is out of office, and he is not returned, so that just when he has obtained a degree of insight

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insight into the mode of managing financial affairs you change the guardian, and therefore I think the elective principle is bad, and that a permanent body is much more likely to manage the finances with economy and success rather than an elective one. And I think I may say more, that from my experience, which is very long as a magistrate, for I have acted upwards of 40 years, I have always seen a great indisposition in those portions of towns, the suburbs of towns, which are beyond the municipal body, to be taken out of the county and annexed to the municipalities, because they always tell me that their rates are immediately quadrupled, and many men are very anxious to belong to the county rather than go into the boroughs, because they believe that the municipal management, which is changed by municipal election, is more expensive than the management by a permanent body like the magistrates.

64. Did those chambers of agriculture ever represent to you that the representation might be by elected magistrates?—No; they did not propose to elect magistrates, but to select a certain number of guardians from boards of guardians: that seemed to be their view. I may say that I have acted with those persons in many capacities already; I am chairman of large drainage trusts in our fen district of Lincolnshire, where we raise a large amount of taxation, and large sums are managed by a mixture of gentlemen in my own position, some of whom are magistrates and some are not, and yeomen, and farmers, and others, and we act together in perfect harmony, and do the work perfectly well; and we are elected for a limited period, all of us, magistrates and all.

65. How are they elected?—They are elected by the proprietors of taxable lands under the powers of local Acts of Parliament. We raise large amounts for the maintenance of steam-engine drainage, and sea outfall sluices, which are maintained by taxation, and in that way those sort of elected boards do administer financial matters.

66. Are they elected by the owners in those cases or by the owners and occupiers?—They are elected by the owners entirely as far as I recollect, and in most districts there is a qualification that the person so elected should hold a certain amount of property in the district; some have no qualification and others have; and where we do not require a regular qualification we very often elect tenant farmers who make very good men of business, and I have not the least word to say against them.

67. What proportion of your division of the county should you say was under that system of management?—That is the division of Holland; I am a magistrate for Holland, although I am not chairman; I do not reside there nor take any active part in their affairs.

68. What proportion of the county of Lincoln do you suppose is governed under the system which you describe?—There is one district of 64,000 acres, and two others of 30,000 acres each, which will give 124,000 acres, besides others of large area. The taxes are limited by Act of Parliament; they do not go beyond a certain amount. Then, again, I have acted with mixed boards of this sort. When the Union Assessment Act was passed you are aware that the Valuation Act was put into force, and valuation committees were appointed by all boards of guardians throughout the kingdom. My neighbours asked me if I would take charge of my union assessment committee; I do not take a very active part now in the union, but I thought I had a very accurate knowledge of all the lands within the union. I have long resided there, and know it all very well; and when I was asked to take the chair, I did so. The committee consisted of 12, four only being magistrates *ex officio*, and the other eight being elected guardians. My board of guardians elected the very best men they had to act upon the committee, and we managed the matter with perfect harmony and success, and there has not been a single appeal to the quarter sessions. I quote that as an instance showing how well such an elected body may act, but that was for a limited measure and for a limited district.

69. But tenant farmers, I understand, were admitted there?—Yes, there were four magistrates and six tenant farmers; and of the other two, one was a large brewer, and the other a large miller, all competent men of business; but even then, I was going to point out that the inconvenience of an elected board is considerable, as was manifest at the last meeting that I had of my assessment committee this very spring. The Committee are aware that under the Act of Parliament a quorum of five is required. I was the only *ex-officio* guardian, and only three of the other elected members made their appearance, and we had to sit there for two hours, and we could not form a quorum for want of a fifth member, and the consequence is that the attendances on those matters are very difficult to manage. It is not so with benches of magistrates, who do not require so large a quorum to act. I never knew a case where the magistrates were inefficient to act for want of a member, but that did occur to me on this assessment committee.

70. Will you have the kindness to give your opinion to this Committee upon the policy of elective boards for the management of county finance?—My firm opinion is this, that the meetings would certainly require to be held twice a quarter, and possibly monthly, and in cases of sudden demands like those I have alluded to, in the alteration of the gaol or the election of an officer. I take it that the average meetings of the magistrates for those purposes would be very little less than monthly, and if a financial board were formed for my division of the county of Lincoln, extending as I have stated from 40 to 50 miles in length, by 25 in breadth, the average distance to be travelled by the elected guardians would be certainly not less than 15 miles. I myself live at the extremity of the county. The most convenient place for the county magistrates will probably be the borough of Grantham, for the reason that it is more accessible by railway than any other part, and we hold the bulk of the meetings there, because we can get there more handily. I am 25 miles from Grantham, and supposing I am elected a guardian, and have to go there once a month, I do not think my attendence will be very frequent, particularly when it is money out of pocket to do so. No elected guardian could attend under an average expense of 10 *s.* each journey. If you take him to be a ratepayer assessed as a tenant farmer at 500 *l.* a year, at 3 *d.* in the pound, the charges for the county rate would come to an annual rate, payable upon his farm, of 6 *l.* 5 *s.*, and if he attended 12 times a year at this place of meeting, at a cost of 10 *s.* a time, he would expend

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expend exactly the amount of his rate in going to look after the county business, or rather you may say other people's business as well as his own. Therefore I think the attendances would be exceedingly slack, and with the limited board, which I presume was anticipated by the various Bills in Parliament, with the quorum attached to it, you would very often find that you would not have an efficient or a sufficiently numerous board. I think it a very great objection that it would be so expensive for them to attend, and therefore the attendances would probably be rather at long intervals. On the whole, giving it the best consideration that I can, I am of opinion that a fixed authority is better than an elected one; that the magistrates being a permanent body can carry on their work in accordance with rules which they lay down for themselves, and which they do not deviate from; but if you get new men with new crotchets and new ideas, they will always be starting some fresh question which will inevitably lead to disorganization, and probably to greater expenses, and therefore I cannot come to the conclusion that the county affairs would be better managed by such a body. I am sure that they could not be more economically managed than our own are; and therefore I feel strongly that it would not be advisable to alter the present system.

71. Mr. *Scourfield.*] Have you a committee of magistrates for the management of the different departments?—No.

72. Have you no bridge committee or police committee?—No; we refer all matters local to the petty sessions, and general matters to the quarter sessions.

73. With regard to the management of the bridges, is that left entirely to the surveyor?—It is left entirely to the quarter sessions, subject to the report of the county surveyor.

74. Do you direct any of the magistrates to attend or in any way to control the expenditure of the surveyor of the county bridges?—Yes, always, whenever any money is expended on them. We delegate a committee, generally of those resident nearest for the sake of convenience, to view the premises prior to the outlay, and subsequently to the outlay, to see that the work is well done.

75. You have stated in your evidence that on a former occasion, although the custom is now abandoned, you used to give some assistance to local parties who contributed from their own funds to make a new bridge?—We have done so, under certain regulations, because, as you are aware, if county money is expended upon a bridge, it must be done under the direction of the county surveyor and under his certificate, and therefore that would become a dedication afterwards. Supposing you built a new bridge, it would become dedicated to the public, and therefore it required the certificate of the county surveyor that it was sufficient for all purposes.

76. Why was that system abandoned; was it found that disputes arose?—I do not say that it has been abandoned, because probably it might be done again if required. It was done in this way, that if a bridge was required from the alteration of the traffic caused by a railway deviating the traffic from the accustomed routes, that is to say, from the turnpike roads, and bringing many cross roads and highways into communication with the railway stations, there were in many instances deep and bad fords to pass, which it was necessary to bridge over, and which the public could not get over in cases of flood or ice, or anything of that sort; and there were local parties who wished to have such accommodation, and were willing to bear a portion of the expense by subscription, or otherwise, then the county would contribute a portion. But that has not been done since I have been chairman, because we have never been asked to do so; but I do not say that we should be deaf to such an appeal for the public convenience.

77. In the county of Lincoln are there many unions which run into the adjoining counties?—My own, where I live, does so. I live at the verge of the county, in the extreme southern end of it, and there we have no less than four counties, a liberty, and the borough of Stamford within this one union.

78. Are there other unions in a similar predicament?—Not many in the county of Lincoln; I think none in that position. They are mostly co-terminus with their own boundaries. The assistant commissioner, who formed the union suggested that the borough town should be the nucleus; I do not know that there is much in that, but he thought that it was a convenient place of meeting for the public who were to attend on the board of guardians, or the board of guardians themselves; and, therefore, the borough of Stamford was made the centre of my union, which I stated to be on the verge of six different jurisdictions, its own included.

79. You stated one fact with regard to the county of Lincoln, which, although very admirable, I am afraid is rather exceptionable, that you have no debt, and that you have always raised money for buildings from the annual rates?—I have in my division no debts. I did not say there was no debt in the other divisions. I do not think that there is any debt in the parts of Holland. I have heard that the Parts of Lindsey have borrowed money for building purposes, but we have never done so in Kesteven.

80. Were you able to deal with such a large matter as the lunatic asylum without borrowing?—We did; the lunatic asylum was not built all at once. We began with a false estimate as to the number of patients, and therefore it became necessary from time to time to enlarge it. It has been twice enlarged at intervals, and therefore it has come easier for the county.

81. With regard to this particular drainage board, of which you are the chairman, what amount of money is annually expended under that trust?—It varies greatly; that which I have the administration of is called the Deeping Fen Drainage, of 30,000 acres; is drained by two large steam engines. There is no debt whatever upon it; we have always paid as we have gone on. In the other district of South Holland, which is also, in round numbers, about 30,000 acres, we borrowed some money about 10 or 15 years ago; to rebuild a sea sluice, and I am happy to say we paid it off by accumulations, and by various means we discharged the debt, and we received the mortgage bond a month since.

82. What is the acreage rate upon those lands?—Generally 1 *s.* an acre; those two trusts only levied this year 1 *s.* an acre, but they have other sources of income in the lands belonging to the trust; but those are under local Acts, and totally distinct from county matters.

83. You have a surveyor, I suppose, under those trusts?—Yes; we have in both cases a separate surveyor.

84. Mr.

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84. Mr. *Wyld.*] The district of Kesteven is essentially an agricultural district, is it not?—Entirely; it has two boroughs within it, the borough of Grantham and the borough of Stamford, with separate jurisdictions, as well as other towns, which are all of a small class.

85. You intimated that in consequence of the very little crime, there is very little punishment in your county?—Just so; the people generally are very contented, and very happy, I hope.

86. You have made some observations as to the difficulty that would be experienced if the financial boards were elected, and guardians were elected on it who could only serve for a year; would your objection be obviated provided a separate election took place, and if the representatives on the county financial board could serve for three years?—I think that would be a great amendment.

87. Have you read the Bill?—Yes.

88. And that is the proposition in this Bill, is it not?—Yes; but I may observe that a member of the financial board would not be necessarily a member of the board of guardians all that time.

89. In the Bill any ratepayer who has a rateable qualification of 50*l.* is eligible for election, and not necessarily a guardian?—I think so; and that would be quite as good as taking a guardian.

90. From your experience of mixed boards, you have found them to work exceedingly well, have you not?—I have always had the greatest satisfaction in the working with them; they have done their duty admirably; and I have never had any difficulty with them. I mentioned the drainage case incidentally to show that. I have worked with that class of men with great satisfaction.

91. The assessment committee and the highways committee were formerly associated with the magistrates, and I believe that they worked harmoniously?—Yes, perfectly so.

92. And with great satisfaction to those whom they represented at the boards?—I am quite satisfied that the best men were picked; and also with regard to the cattle-plague committee, they did their work exceedingly well.

93. Did I correctly understand you to say that a very large proportion of the expenditure has arisen from the Acts of Parliament?—I can hardly except any of it; in the digest which I have produced there is no margin over and above what is statutable. It seems to me to be almost all of that description.

94. But there are certain expenses, are there not, which are incurred by the order of the magistrates?—I cannot point them out. They never order anything but what is directly wanted for the administration of justice.

95. Except in the case which you spoke of, namely, the rebuilding of the county gaol?—There is a case now pending in the other House of Parliament relative to the building of another asylum for idiots and imbecile persons. That Bill, called the Poor Relief Bill, has not yet passed the Committee of the House of Lords. The clauses were adjourned last week, and they come on again for hearing on the 16th; and that Bill gives the magistrates, if they think fit, power to erect asylums for idiots and imbecile persons, of which now a considerable number are kept in workhouses, and some are kept by their friends, who receive parochial relief. But it is proposed to gather them all together in those asylums, and put them in there to herd together. Whether the Legislature will do it or not I cannot say; but that is another great expense looming upon the counties, if it is ever to be carried out.

96. If Parliament were to impose other rates which are to be paid out of the county rates, would not it give satisfaction to the great body of ratepayers if they were represented at the board by county ratepayers?—They are already represented by the Honourable Members of this House. It is the House which puts these matters and imposes these charges upon the counties where the magistrates have to raise money under the directions of the Act of Parliament; those are what I call statutory matters as to which the magistrates have no jurisdiction or option whatever; we are compelled to carry them out; I think that any optional matter is not likely to be carried out; I believe that these idiot asylums are to be carried out optionally by the Boards, but a thing being optional generally ends in being imperative, as far as I recollect.

97. But the inspectors of gaols, in consequence of their report, force the expenditure upon the magistrates?—They do; in the case to which I have alluded, we had to do as the inspector reported.

98. Would not a board composed of a body of elected farmers and magistrates have some force in representing to the Secretary of State the non-necessity of expenditure in those cases?—They would have no more force than the present appeal of the magistrates; the Secretary of State will always listen to anything that they have to communicate, and if he considers it reasonable, no doubt he grants what they ask, and he would do so hereafter, just as he does now.

99. The audit which takes place is a mere formal ceremony, is it not?—That audit which takes place in open court I consider to be very much a mere formal ceremony, and if that were all I admit that it would be very objectionable; but by the arrangement which I stated, the accounts are carefully gone over, every item examined, the bills cast up, and the whole vouched as correct before they are paid.

100. Is not the district of Kesteven, inasmuch as the magistrates have no finance committee, rather an exception to the general administration of the county rates throughout England?—I think, perhaps, it may be; but I think it is exceptional, perhaps, in some other matters, that its management may be shown to be very good.

101. Mr. *Kendall.*] Did I correctly understand you to say just now that the whole county rate is 3 *d.* in the pound, and that one-half of that is represented by the police?—That is so as nearly as possible.

102. You must have finished the lock-ups and the police stations before you took that average?—We had not finished them in the first three years of the 10 years that I gave the Committee; in the years 1858, 1859, and 1860, there were charges for the police stations and lock-ups, but there have been none for the last seven years.

103. Taking the last seven years the police have taken one-half of the average rate?—Yes.

104. Can you give us any idea of what the expenditure was for all the police stations required by the division?—No; I have not got the amount of that.

105. Can you calculate what it takes at this moment to keep up the police stations; is that treated

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treated in any way in the tables which are before you?—No, we have had no such investigation.

106. The Government are satisfied with them?—The report by the Government inspector states them to be satisfactory.

107. With regard to the expense of the county lunatic asylum, I think you said that it was very small?—It was very small last year; in 1866 it was nil, and in 1867 it was only 225 *l*, but previous to that there had been a considerable enlargement, and our divisional cost was 4,000 *l.* for two preceding years to 1866.

108. In 1866 how could it be nothing, because you must pay your proportion to the pauper lunatics of course?—We have only one lunatic there, and that is under a separate column, and that one cost, in the year 1866, 21 *l.* 3 *s.* 4 *d.*

109. Then you do not pay 18-80ths of the expenses of the lunatic asylum?—That is only for the building. When the building is completed, the lunatic asylum is considered to be self-sustaining by the payments from the board of guardians who place their lunatics there, which payments would go through the board of guardians, and not through the county rates.

110. You only have one lunatic, you say?—Yes, only one, who is chargeable to the county under the provisions of a particular Act of Parliament.

111. What control have you over the visiting magistrates of the lunatic asylum?—A certain number of visitors are appointed by the quarter sessions for each of the three divisions of Lindsey, Kesteven, and Holland, and they are summoned by the clerk to the visitors when required. They always meet quarterly for the examination of the accounts, but they are summoned upon any particular occasion, any emergency, or anything requiring to be done; but owing to the vast extent of the county, and the distance that many of them live from the county town, I am afraid the attendance is not so good as it should be. It is very much administered, as all these things must be, by the justices who live within a certain limited mileage.

112. Have the county any power with regard to the salaries of the medical men, or even of the servants in the asylum?—Yes, we have; that is all settled by the visitors.

113. But the quarter sessions have no power?—No, not at all.

114. As I understand it, then, the quarter sessions have no check over the visitors as to the salary that they would give to any officer of the asylum?—No, except the visitors' report to the quarter sessions. There is a quarterly report and an annual report made up by the superintendent of the asylum, which is distributed to all the visitors.

115. But you have no check upon the visitors?—No.

116. You have a check, have you not, over all who are appointed in the county gaol?—Yes.

117. But not in the county asylum?—We have no check upon the visitors. They are a very large body. I cannot tell you the exact number; there are nearly 40 in the whole, and of course they are obliged to leave a great deal to the discretion of the superintendent.

118. If there was a difference between the visitors of the county gaol you would have the power to interfere, but you allow the visitors of the asylum to be without a check?—They make a report.

119. But can you check that report?—No, I do not think we can.

120. Do not you think that it would be a better plan that they should be under the same supervision as the visitors of the county gaol?—In a county like ours, where the lunatic asylum is made for what may be called three counties, which are under separate conditions of rating and taxation, it is impossible to act in any other way than by visitors, because you cannot bring the whole body of justices to act upon the matter for such a large county the same as might be done in other and smaller counties.

121. With regard to the power of magistrates they have very little power, indeed, under the Act of Parliament, generally speaking, but can they be extravagant if they wish it?—There is no way in which they can be extravagant excepting in salaries or in building.

122. In building they are very much checked, because they are obliged to send their plans to the Home Office, are they not?—They are, and therefore they have that supervision.

123. The Home Office will sometimes compel magistrates to build more than they wish to build?—We have often been of that opinion. We were compelled by the former Secretary of State some years since to build a new gaol for the county entirely for criminal prisoners, and we have built it much larger than there is any requirement for at the present time. We built it under the direction of the Secretary of State, upon a plan which did not answer. They compelled us to use some new fangled system of ventilation and warming, by which the air of heaven was kept out of the cells; there was nothing but a piece of glass which was fixed, and did not open; and under the new system of separate confinement the pipe for the convenience of the prisoner was placed in the cell, communicating with a cesspool on the outside. And the consequence was, that from this system of ventilation and warming, the prisoners became exceedingly unhealthy, and we constantly had fever amongst them. I do not know that any died, but almost the whole of them were ill, until at last the magistrates cured the evil by opening the windows in the first place, and doing away with the cesspool, and the prisoners have been healthy ever since.

124. Did you remonstrate as to the size of the building?—I cannot call my memory back so far; it is now 20 years ago, but I am sure of this that the gaol is very large, and very thinly inhabited at present, I am happy to say.

125. Mr. *Kavanagh.*] You stated, did you not, that 3 *d.* in the pound is the average county rate?—For my division of the county. We have three divisions under separate commissions of the peace, and therefore distinct bodies of magistracy. It is a very large county, and is divided like Yorkshire, which is divided into ridings; we call them divisions.

126. How is that taxation levied?—It is levied through the means of the poor-rate; it is contributed by the unions. In the old fashioned way it was collected by the chief constables of hundreds, but they are in a great measure superseded by the unions. The unions pay a contribution according to the assessable value of each parish; it is levied with the poor rates in all counties.

127. Is it collected with the poor rates?—Yes, it is collected with the poor rates, and a certain sum is apportioned to the county rate.

128. Who

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128. Who decides how much will be required?—It is generally on the estimate of the county treasurer, and it is collected and paid quarterly. At each quarter sessions the county treasurer tells us what the probable cost will be for the ensuing quarter. It is laid in the same way as many other rates, church rates for instance, prospectively; whatever is required for the quarter is laid and gathered in that quarter, and in the course of the whole year it amounts to 3 *d.*, so that the quarter's contribution will probably be three farthings in the pound.

129. That estimate is then formed to cover the proportion which you have to pay for the lunatic asylum, police, gaols, prisoners, treasurer's salary, and all that sort of thing, and for the repair of roads on bridges?—Yes; the repair of roads on bridges averages with us about 77 *l.* a year.

130. Have you no such things as the construction of new roads?—No, they are never made by the county, they are made by the parishes in England; we never do make new roads, in fact; very often they are made by individuals, who want them for their own convenience, or they are made by the parishes.

131. In the event of a bridge, how would the case be?—If a bridge was washed down by a flood, the county would be compelled to repair it, for that is a sort of incident of a bridge, but they do not belong to the counties; for instance, near a railway they may be put up by private individuals, but they are not recognised by the county.

132. Then yours is an entirely different and separate system from what is called the parochial system?—Yes; it is not done as by the county cess in Ireland, though it comes to the same thing in the end. In Ireland your roads and bridges, and every thing, go out of the one fund, but it is not so with us.

133. This 3 *d.* in the pound is paid into the treasurer's hands, is it not?—Yes, it is paid into the treasurer's hands, and he pays all bills arising by order upon him, which is signed by the magistrates after inspection of the surveyor, who certifies that they are just and correct, and he pays them, and produces them with the vouchers at the ensuing sessions.

134. That is the way in which those accounts are checked?—Yes; they are overlooked by the sessions, and also by the justices at the adjourned sessions, because when there is a public court going on, they are not done so accurately as they would be privately of course.

135. Supposing this happened, that for the convenience of a certain district a new road were required, how would it be originally paid for?—I know no way of getting a new road made unless the persons requiring it would pay for it, or make it themselves.

136. If there was a district entirely closed for want of a road, how would it be?—Where the Highway District Act has been applied, which is an optional Act, and which is not compulsory upon a county, and which a great number of counties refuse to adopt, they have the power to divert, or to make new roads, and to repair them, but that is not universally applied, because the Act is only permissive.

137. Then, in fact, in the way the law stands at present, it would be difficult to get a new road?—It would be impossible, unless it were made by private individuals.

138. I think it is one of the advantages which we find in the Irish system, that the cesspayers, when they want a new road, can get it at the sessions?—I am very glad to hear that there is anything in Ireland superior to our own system.

139. Mr. *Heneage.*] Is not the reason why the committee of the lunatic asylum are more at liberty with regard to appointments, because they are under three different jurisdictions; that is to say, the court consists of 40 members, selected from three different divisions, and from every borough; and would it not therefore be impossible for them to go back to the three divisions to have everything signed by them?—It is impossible to act in any other way than by a committee of visitors for that reason, because there are three separate jurisdictions united for a common object.

140. Mr. *Henniker-Major.*] I think you stated that there were three divisions of the county, and three separate commissions of the peace?—Yes.

141. I conclude therefore that there are three separate clerks of the peace, and three separate salaries?—Yes.

142. Do you think that the Kesteven division, of which you have been speaking specially, is similar to the rest of the county, with respect to the management of the finances and the gaols?—I can only speak of one other division, and that is the parts of Holland; the arrangements there, I think, are identical; they have only one gaol like we have, and they have two courts of quarter sessions at Spalding and Boston. I am not aware that they have any debt, and they manage much in the same way; with regard to the parts of Lindsey, which is the northern part of the county, and which I do not act for, I am not competent to give any opinion.

143. I conclude that the salaries given to the clerks of the peace and other officials are managed in the same way?—Yes; in the two divisions of Kesteven and Holland the management is identical, and the salaries are the same in both.

144. Lord *Henley.*] Has the Highway Act been adopted in your division of the county?—It has not been adopted. One petty sessional division endeavoured to adopt it, not in my immediate neighbourhood, but in the neighbourhood of Sleaford; but there was such an outcry against it that the parties who promoted it abandoned it without carrying it into effect. There is no part of South Lincolnshire that has adopted it yet. In a small portion of North Lincolnshire, in the Isle of Axholme, which is a part bordering upon Yorkshire, I rather think they have adopted it.

145. Was it on account of the feeling of the ratepayers that it has not been adopted?—It has never been mooted in my immediate neighbourhood.

146. You stated that the salary of the clerk of the peace is 600 *l.* a year; does he send in a bill for business done besides that?—No; he is not allowed any fees whatever for business done; for instance, if he was sent for up to London, or any special measure of that sort, he would be allowed his expenses, but nothing more than that.

147. If he were to purchase or mortgage land for the county, would he not be allowed the expenses of that?—That question does not arise: we have never had occasion to do anything of the sort, but his salary is to cover all fees and allowances, therefore I should think that if any extra

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business of that sort were thrown upon him he would be allowed for it.

148. You stated that the county surveyor has 50 *l.* per annum, but that there are some extras; have you had any average struck as to what the amount of those extras generally comes to?—No; I cannot give any information upon that at all, because, of course, they are only occasional.

149. Mr. *Hibbert.*] You stated that you had three divisions in Lincolnshire, but do not the magistrates meet at a general sessions whenever the expenditure of public money is in question for the purpose of passing that expenditure?—They do; they meet, for instance, at Lincoln in general gaol sessions, as it is called, for the purpose of managing and overlooking the accounts relative to the cost of the castle of Lincoln and the judges lodgings, all of which is vested in the magistrates of the county, and they meet, you may call it, in general sessions for the arrangement of the lunatic asylum, because the visitors are taken from all three divisions, there being only one for the whole county. We also meet for police purposes, because our police is under one and the same management; and the same chief constable acts for all three divisions, and we find it greatly to the advantage of the county to amalgamate the three divisions for police purposes, and we charge them according to their assessable value.

150. I suppose that no expenditure can take place with respect to the different county gaols unless it is passed at the general county sessions at Lincoln?—That is only for the county gaol of Lincoln; that does not include the divisional gaols; the divisional gaols are vested in their own magistrates.

151. Have they the right by custom, or have they the right under some special Act of Parliament to deal with their own internal matters; do they act under the authority of the general sessions which meet at Lincoln, or have they direct power to act on their own authority for their own districts?—Certainly; they act upon their own authority for their own districts, but for general purposes connected with the whole county they must decide in general gaol sessions, and the magistrates of the whole county have power under the Act of Parliament to meet for that purpose.

152. I see by the returns with respect to the Lincolnshire gaols that the criminals being few, the expense of maintenance per prisoner is very large, contrasted with that in other counties?—I am not aware that it is so; I have not had an opportunity of contrasting it with other counties; but upon the whole we consider our management good and our expenses reasonable.

153. I said that the expense was large, owing to the small number of prisoners; taking the average, I find the daily average is 24 *l.*, and after allowing for the money repaid by the Treasury and all receipts, that would reduce the amount to 1 *l.* 12 *s.* as the total expense of the county prison at Lincoln, which gives something like 40 *l.* per prisoner per annum?—Owing to the prisoners being few and the staff being somewhat expensive, of course it makes the establishment charges high in proportion. If we had, unluckily for us, 200 prisoners instead of 24, of course our expenses would be less in proportion, the same as it would be in a workhouse or any other establishment.

154. With respect to one point which has been raised, namely, the lunatic asylums, the Committee of Management of Lunatic Asylums in the appointment of officers, on fixing salaries, have no necessity to go to the county sessions for confirmation of them?—Not otherwise than by report, because they are empowered to act in all matters of salary and appointment, and they do so; and I think I can give you pretty nearly the cost per head, which is rather more than 8 *s.* per head per week.

155. With respect to all other county expenditure than for the lunatic asylum, all the expenditure is confirmed or passed by the Court at Lincoln, or by the Court of Divisional Sessions?—If it is a divisional matter it is passed by the division, but if a county and general matter, it is done by the county sessions.

156. But with respect to the lunatic asylum the committee have greater powers with regard to the expenditure of money than in the case of any other county expenditure?—I think so.

157. Therefore, if it is necessary at all for the boards of guardians to take any part in the expenditure of county money, that would really apply to county lunatic asylums more than to anything else?—I think it would; they would have no more power than the magistrates have, only it would be delegated to different persons.

158. Have you thought in your county at all of the desirability of appointing a county auditor?—We have never had the question before us specially, but my own opinion is, that we can do very well without him; that we are quite competent to manage our own affairs.

159. Would not it give greater satisfaction, perhaps, to the general public, if a person were appointed purposely for that duty?—I do not think myself that there is any dissatisfaction existing; there has none been brought to my knowledge.

160. But supposing there had been any dissatisfaction as to the county expenditure, would not that be a desirable thing?—It would only be adding another officer to be paid.

161. Do you think that the auditing by the magistrates is sufficient in the manner in which you carry out this work in your divisions?—Yes, I do; I know that it is done upon the most rigid and economical principles.

162. Mr. *Scourfield.*] Is the proportion of incurable lunatics in your asylum very large?—I am afraid it is; the number of cures is not very great; the lunatics are admirably cared for, and very well treated, but I could not give you the proportion unless I had the report in my hand.

163. Your general impression is that it is very large?—I am afraid it is; I cannot give a very satisfactory answer upon that head.

The Reverend J. Shepperd Birley, called in; and Examined.

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164. *Chairman.*] You are the Chairman of the General Finance Committee of the county of Lancaster, are you not?—Yes.

165. What are the duties which you consider yourself responsible for in that capacity?—I may state that the county of Lancaster is divided into four quarter sessional divisions, and at each quarter sessions, at Lancaster, Preston, Kirkdale, and

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and Salford, there is appointed annually a district finance committee, two to be a quorum, to examine into the receipts and expenditure of the several districts of the county attached to each quarter session, and to transact any other matters and business relative to the county accounts which the courts of quarter sessions may from time to time direct. Then I may state, that in consequence of the county being divided into four quarter sessional divisions, in order that there may be one general session having cognisance of the whole of the county expenditure, we act under a special Act of Parliament, called The Annual General Sessions Act, in which all the magistrates of the county are assembled at Preston, which is the county town for all county purposes, where all the public offices are; the office of the clerk of the peace, the county treasurer, the clerk of the Crown, and all other county officers; and there the magistrates are empowered and directed to do all matters connected with finance, levy all rates, fix all salaries, elect all county officers, and to do everything relating to the financial business of the whole county. That court elect annually the general finance committee, and that general finance committee consists of eight magistrates; those eight magistrates must be chosen from the district finance committees previously elected at the different courts of quarter sessions. No magistrate is eligible to sit upon the general finance committee unless he has been previously elected on a district finance committee. Two magistrates are chosen from each district finance committee. The standing order, with regard to the general finance committee, is this: "That a general finance committee for the whole county be appointed, and that such general committee do meet from time to time, so as to have the county expenditure constantly under review. And that they do meet at Preston, previous to the holding of the annual sessions in June, every year, for the purpose of examining, auditing, and settling the accounts of the county treasurer, and all other accounts relative to the county at large, and of preparing and submitting to the annual sessions estimates of the probable expenses which will have to be provided for in the year ensuing, and that for these purposes they be empowered to call to their aid the services of an accountant." Then it says, "That such general committee do consist of two magistrates from each district finance committee, and that three of such general committee do form a quorum; and that they have full power to require the attendance of all officers of the county with their books and papers; and that such committee do report on the receipt and expenditure of the county rates for general purposes; lunatic asylums, constabulary, county and hundred bridges, &c., and on every other special matter, to the court of annual sessions." Therefore, we consider that we are cognisant of every item of county expenditure.

166. Will you state what is the duty of the district committees?—The district committees confine themselves particularly to such items of account as relate to the districts and separate quarter sessions.

167. Do they take charge of the whole expenditure?—No, they take charge only of the hundred bridges and inspection of weights and measures, and they examine the coroner's accounts in each of those districts.

168. Have they any control independent of the central committee, over the gaol expenses lunatic asylums, and that class of expenses?—The district finance committee have control over the hundred bridges, and they review the coroner's accounts, and the books and returns of the inspectors of weights and measures in the district.

169. With regard to gaols and lunatic asylums, have the district committee any independent control?—No, they are all under the immediate control of their respective visiting justices, but their expenditure is subject to the supervision of the general finance committee.

170. Would you state, now, what is the amount of rates over which you have control; first of all, what is the total amount of property rated in the county of Lancaster, generally?—The county of Lancaster was valued for the basis of the county rate in 1865, and it was then fixed at a rateable value of 10,029,967 *l.*

171. Can you state what is the total annual rate levied upon all property in the county?—The total rate levied last year was 151,964 *l.* 19 *s.* 7 *d.* I have a table which I can hand in, which shows the rate in the pound for all purposes in each of the separate divisions of the county. It is necessary to state that, for items under the head of general purposes we have but one general rate, passing all over the county; for other items of expenditure rates are laid on parts only of the county; for instance, we have four gaols, three of them are supported by rates laid on separate districts; the cost of the gaol at Lancaster is paid out of the general purposes rate upon the whole county. (*The Witness delivered in the Table,* vide *Appendix.*)

172. What is the total amount in the pound raised upon the 10,000,000 *l.*?—If I state it in the pound, it varies in different parts of the county; the average may be raised or increased, because in some parts it amounts to 6 *d.*, and in some to 5 *d.* and 7 *d.*, and it may be smaller sometimes.

173. It is about 4¼ *d.* in the pound upon the whole, is it not?—It does not appear so here, but it is that upon the whole, deducting the cattle plague-rate.

174. But it does vary according to the requirements of the different districts?—Yes; and more particularly with regard to the local police.

175. Will you state what are the principal items of expense for which you have to levy rates in the county of Lancaster?—We have to levy a rate for general purposes; that includes inspection of weights and measures, coroners' expenses, maintenance of vagrant lunatics, and other incidental expenses of that kind, which are levied all over the county, amounting to 13-16ths of a penny. Then we levy another rate for lunatic asylums, which amounts to one farthing throughout the whole county.

176. Does that include interest on any debt?—No, we have a loan account besides; on the lunatic asylum loan account, there is a rate of 13-48ths of a penny.

177. The other expense to which you have just alluded, is for the management of lunatic asylums?—The other would be for repairs of the buildings, and incidental expenses of that kind.

178. Have the magistrates the control of the lunatic asylums?—As regards the lunatic asylums, the magistrates in general session are required to appoint every year, a certain number of persons, to be a committee of visitors to manage

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manage the asylums. Those magistrates being appointed, have power by Act of Parliament to conduct the whole management of each asylum, to fix the salaries of all officers, and they have the entire management, without the control of the county. The funds which they administer are maintenance funds, that is to say, money contributed for the maintenance, and management and cure of lunatics, by the poor law unions that send their pauper lunatics there. They have the entire management of the maintenance funds. They have also control over the county money to the extent of 400 *l.* a year only, that is to say, they may expend 400 *l.* a year in alterations or improvements, besides the incidental repairs without getting a vote from the county, but if they want anything more than that 400 *l.* a year, they have to go to the general sessions, or the quarter sessions of the county, to explain the circumstances for which the money is needed, and to obtain a vote. The county is liable for the building and for the keeping in repair of the asylums.

179. Can you state the average cost of keeping lunatics in the lunatic asylums?—Unfortunately in consequence of the increased cost of provisions and the increased cost of clothing, and almost everything else, we have been obliged to raise our rate of maintenance. For a long time at the asylum of which I am chairman, the county asylum at Prestwich, which contains 1,000 patients, our charge was 7 *s.* 7 *d.* a week, and it has increased to 9 *s.* 11 *d.*; we have recently reduced it to 9 *s.* 4 *d.*

180. That is to say, you have done so in consequence of the increased price of provisions?—Yes.

181. You have a control over the salaries I presume?—We have a control over the salaries.

182. What are the salaries of the chief officers of the lunatic asylum?—Unfortunately I did not know that I was to be examined upon this point, but I think that we give our superintendent 600 *l.* a year; I cannot state exactly what the different salaries are; I believe at the lunatic asylum at Prestwich we give 750 *l.* a year, and at the one at Lancaster it would be about the same; there is about 100 *l.* or 120 *l.* a year to the two medical assistants in Prestwich Asylum, and there is a chaplain at 300 *l.* a year, and I think the matron receives somewhere about 100 *l.*, of course with food and lodging, and we have a clerk and a treasurer by Act of Parliament.

183. Do the expenses include rations and lodging and everything?—The charge per week includes salaries and everything; that is to say, the county rate does not contribute a shilling towards maintenance.

184. Do the salaries which you give to the governor and to the attendants, include lodgings and rations for them?—In some cases they do, and in some cases they do not; the superintendent of the asylum has a house, but no rations, although certain officers have.

185. I think you stated that the rate levied for lunatic asylums is one farthing?—Of course, that has reference to the building.

186. What is the amount that you have raised in the county of Lancaster for those lunatic asylums?—That would be spread over a great number of years; I can state that our asylums were commenced many years ago; the amount has continually been increased by further extensions.

187. Could you state to the Committee the amount of the debt on the lunatic asylums?—The total debt on the county at present is 322,796 *l.* 3 *s.* 10 *d.*, and that consists of an outstanding debt on the militia loans for building militia storehouses, of 15,960 *l.*, and on the lunatic asylums 51,500 *l.*; those are loans contracted for the purpose of erecting and enlarging the lunatic asylums, and are still unpaid; the police loans, that is for building lock-ups all over the county, amount to 14,960 *l.*, the enlargement of Preston and Kirkdale gaols 41,000 *l.*, Salford new gaol, which is now just finished, 138,484 *l.* 15 *s.* 6 *d.*, and the Manchester assize courts, 60,891 *l.* 8 *s.* 4 *d.*

188. Have you any further expenses incumbent on you for those purposes?—I am not sure whether the debts on the Salford New Gaol are all paid; I should think not; it will very nearly cost 150,000 *l.*, and we expect to be repaid more than one-half that sum by the sale of the old gaol; we have had that valued at very different amounts; those amounts which I have given include all the loans which we owe; those loans are contracted, because it would be considered most unfair in erecting those very large buildings to go and charge the present tenants and occupiers of lands; it is done for the purpose of carrying the expenditure over a great number of years; when we first commenced borrowing, our plan was to borrow from insurance companies, on condition that a certain amount of principal should be paid back every year; we have now changed our system, and we borrow at a less rate, that is to say, we borrow sums to be paid off from time to time at different periods, taking care that in no one year shall there be an excessive amount of principal paid off, so as to increase the rate.

189. But still you do pay off the loan partly every year?—Yes, decidedly.

190. What rate of interest do you generally pay for loans?—We are now paying 4¼ per cent. I may say that we had some difficulty in the first instance to execute loans, because the security was not, in the first instance, well understood; and we had all the lawyers against us, because we set our faces against paying anything in the shape of procuration money, but we have succeeded at last, and the county security is now becoming, I think, a popular mode of investment.

191. Can you state the amount of rate in the pound which would be required to pay interest on the debt?—In some of those cases, the militia, for instance, it would be a very small rate indeed, because we only owe 15,960 *l.* To pay that off a rate would be levied upon the whole county; and a rate of 1 *d.* in the pound levied upon the whole county would raise about 42,000 *l.* Therefore it would be a very small, almost an infinitesimal sum. It would, of course, vary with regard to the others. The lunatic asylum loans would be upon the same account; therefore, you see the only sum that we have, as I have stated before, to raise for the lunatic asylum account, is 13-48ths of a penny.

192. You stated that there was a very large sum of 60,000 *l.* odd for the assize courts of Manchester; does that come upon the whole of the county?—The assize courts come upon the whole of Salford hundred, including the two towns having separate quarter sessions; that is, Bolton and Manchester.

193. And the gaol also at Salford?—There has been a rate levied last year towards the expenses

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penses of the Manchester assize courts, and for paying off the debt. The rate laid for this purpose, of 1 *d.* in the pound, only applies to Salford hundred.

194. But does that rate include the expense of the new gaol as well?—No, that is an entirely different thing.

195. Do you know what was raised for the new gaol?—For the Salford hundred new gaol we borrowed money; and the only way in which the ratepayers are affected is by a rate of a halfpenny in the pound.

196. Do you anticipate that, at an early period, that debt will be paid off?—The ratepayers will certainly never be called upon for an increased rate beyond a halfpenny in the pound, and that will fall off to nothing. Perhaps it is not politic to name the sum that we think we can sell the old gaol for, because we are in the market for the sale of it, but we may get 100,000 *l.* or more for the old gaol and its materials. We have another rate for the hundred bridges. We have in the county of Lancaster an immense number of bridges; we have 536 bridges.

197. Can you state the annual expense of the bridges?—The annual expense varies in the different hundreds, of course. In the Lonsdale and Amounderness hundreds it is one-eighth of a penny; it is three-sixteenths of a penny in Blackburn hundred, one-eighth of a penny in Salford hundred, and thirteen forty-eighths of a penny in West Derby hundred, and five-sixteenths in Leyland hundred.

198. Now, could you give the expenses of the bridge masters?—There are separate bridge masters appointed for each hundred, and they are appointed at the different quarter sessions. In three instances the same man is bridge master for three hundreds. We have been very anxious to have one man for the whole county, but there has been a difficulty in doing it. According to the work that they have to do, they have 30 *l.*, 40 *l.*, and 50 *l.* a year each, and one man has 100 *l.*, the Salford man. The fact is this, that although the actual expenditure is not very great, the trouble is considerable, for the purpose of visiting and constantly looking after the bridges.

199. Then there are four bridge masters, and the highest salary is 100 *l*?—Yes, in the case of Salford; and that includes looking after the bridges, making all contracts, and taking care that the roads are in proper repair. The fact is, it is not the amount that is expended which he has to look at so much as the constant watching of all that enormous traffic in the Salford hundred and in the city of Manchester. Our general plan of managing the bridges is to contract as much we can for the roadways with the surveyors of roads, and with the corporations of the different towns in which the bridges are placed.

200. Could you furnish this Committee with a statement of the salaries of the public officers in the county, and the amount of the annual expenditure over which each officer has control?—This return will supply the information required. I find that I have been somewhat in error in my statement as to the salaries of one of the bridge-masters. (*The Witness handed in the Return,* vide *Appendix.*)

201. What is the next heaviest item in the county finance?—We have one very small one, which is the chairman of the Salford hundred's salary of one-sixteenth of a penny, which is levied upon the Manchester quarter sessional district; it is under a special Act of Parliament, and it is the only thing of the kind in the county.

202. What does it amount to?—I think it is 600 *l.* a year.

203. Does that come upon the county generally?—No; only upon the Salford hundred.

204. Will you go on with the next heaviest item?—The heaviest one is the police.

205. What is the amount of the police rate for the whole of the county?—£. 46,468. The pay and clothing cost 54,500 *l.*, one-fourth of which was repaid by Government. Then there is the contingent account, amounting to 11,421 *l.*, out of which we received back, under different items, for lodgings of constables, moieties of fines and balances of one kind and another, 9,619 *l.* 3 *s.* 11 *d.*, which leaves the net contingent expenditure only 1,800 *l.*

206. Whom do you receive those sums back from?—From superintendents of police. There is a certain sum for lodgings provided for constables in station-houses, and moieties of fines and execution of warrants, and conveying prisoners to gaol, and from railway companies and others, for the services of constables, fines for improper weights and measures, and balances of interest, and commission, and so on.

207. Those sums come upon the same departments of the county, do they not?—No, not exactly so; lodging money is deducted from the men's pay, and all fines and penalties are paid by offenders; with regard to our inspection of weights and measures, the expense is very small indeed. Some years ago we passed a resolution with regard to the inspection of weights and measures. We were empowered by Act of Parliament at that time to state what the duties of police were; we passed a resolution that the inspection of weights and measures should be a duty of the police, and whenever vacancies have occurred (and they have occurred throughout the whole county, for the former inspectors have all died with one exception), we have appointed the superintendents of police inspectors of weights and measures, and at the same time given them for expenses 30 *l.* a year each; and, upon the whole, the inspection of weights and measures cost the county last year a little more than a hundred pounds; but I have an account here which shows that in three instances the receipts have more than paid the 30 *l.*

208. Will you state what you pay your head constable?—I have here an account which I can hand in of the present state of the police, and the number and the pay. We pay our chief constable 500 *l.* a year; and the assistant chief 300 *l.* a year. In consequence of the increased rate of wages in Lancashire, we have had to raise our rate of pay three times since 1860; we resisted it to the last, but, however, we were 40 or 50 men short, and we could not possibly fill up the police, and as we were behind the large borough towns of Manchester and Liverpool, we were obliged to raise the wages. I will hand in a statement of the present scale of salaries, and the number of the police, showing that there are 858 county police. (*The Witness delivered in the Table,* vide *Appendix.*)

209. Has your chief constable the control of the whole county police?—Yes.

210. Are his travelling expenses allowed?—I think that his travelling expenses are allowed.

211. But you cannot state what the travelling expenses are?—No, I cannot.

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212. Do you know whether there has been a demand upon the finance committee for increased police assistance?—There is a demand throughout the county generally; and I may state this, that if there is any complaint on the part of the ratepayers with regard to the increase of county expenditure, I have stated to the public over and over again that the principal increase in the county expenditure over which we have any control, is in the increase of the police; and for years back we have never increased the police, except upon a large and influentially signed memorial on the part of the inhabitants, where it has been wanted. I am myself intrusted as representative of the constabulary committee from a division of the county, with three memorials, two of them signed by the local boards of the district, praying for an increase of police; in every instance the court of general session require, before they add to the police force, a copy of the circular letter addressed by the clerk of the magistrates in the petty sessional division where the policeman is asked for, and the resolution of the magistrates, summoned directly for the purpose of taking into consideration the application for another policeman. The court also require the memorial to be produced from the inhabitants, and except in one instance, where the honourable Member for Oldham, who was the chairman of the visiting justices of Salford gaol, asked for 12 policemen for the protection of the gaol during the time that the Fenian prisoners were confined there, there has not been one single instance where the county police has been increased, except upon the memorial of the inhabitants; but they have been increased in a variety of instances at the request of the inhabitants in 10 years, from 657 to the present number 858.

213. During that time you state that you have had to refuse some applications for increased policemen?—In some instances there has been a request for two where only one has been granted.

214. Is it the finance committee or the general body of magistrates assembled at general sessions who decide whether the police shall or shall not be increased?—The general finance committee have only the power of auditing and examining into every item of expenditure in every establishment, of course reporting to the annual general session. The general session alone have the power of voting any increase of expenditure.

215. How is a requisition for an increase of police brought before the annual session?—We have standing orders of the court of general session, (*the Witness handed in a copy of the standing orders,* vide *Appendix*), and it is required by our standing orders that no subject shall be brought before the court of annual general session by any magistrate, except notice of motion be given in writing to the clerk of the peace 21 days before the meeting of the general session; and in the agenda paper, a copy of which I have here, every matter and thing is put down; and every notice of motion which is to be brought before the next court of general session should be in the hands of every magistrate in the county 14 days before the next general session.

216. Are those published in the newspapers?—They are not published in the newspapers, but they always are copied in the newspapers as a matter of information.

217. Does that regulation apply to every additional expenditure of money?—It applies to everything; you could not vote 1 *l.* without regular notice having been given.

218. You say that this agenda paper is sent round to all the magistrates of the county?—Yes.

219. How many magistrates are there in the county?—Seven hundred and thirty.

220. Are you sufficiently acquainted with the magistrates of the county of Lancaster to state whether, generally speaking, they are amongst the largest ratepayers in the county?—They are, decidedly; there are many of them who are at the head of very large concerns, and they are most deeply interested in the amount of rate, because they are not only indirectly interested through their tenants, but they are directly interested by the rate which they pay upon their own immediate property. I remember meeting at a dinner not very long ago three magistrates of the county who had in their employ no less than 10,000 persons; the whole of their establishments are in Lancashire, and of course they would be directly rated for every one of those establishments. This applies, of course, to our large manufacturers and persons of that sort; very many of the magistrates are mill-owners and manufacturers, and large colliery proprietors.

221. Supposing a proposition is made to the magistrates to increase the rates of the county, is any explanation required from the person making the motion, or does he merely do it on his own authority?—Yes; there is a notice of motion; for instance, for a police constable; the magistrate is called upon not only to produce the memorial, but to state the circumstances which call for the extra policeman; and with regard to any other matter, supposing there is an increase of salary proposed, there must be very strong grounds given for it, and an increase of the salary of a public officer would not be listened to or considered except it was brought forward by the committee who have the particular management of that department in which the increase of salary is asked for.

222. Does the general finance committee express any opinion upon the matter?—By a standing order of the court of general sessions, whenever there is a vacancy in any county appointment, the clerk of the peace is directed to inform the general finance committee, and the general finance committee are required to report to the court, before the next appointment takes place, whether they conceive that it is desirable to make any alteration either in the duties or the salary of that appointment, and in every instance they are called upon to report.

223. Does the same rule apply to the district finance committees?—The district finance committees would not have the control; the district finance committee, for instance, would report as to the salary of the bridge master, or the surveyor of bridges, for the hundred under their cognizance.

224. You heard the evidence given by Lord Kesteven; could you express an opinion as to what proportion of the rates of the county of Lancaster are what you may call compulsory rates, and what proportion are under the immediate control of the magistrates themselves?—I fancy that they are all compulsory. I will just run over two or three items which we cannot possibly control. The cost of vagrant lunatics, or lunatics whose settlement cannot be ascertained, in the county

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county of Lancaster, exceeds 10,000 *l.* a year, and we cannot lessen that amount. The general finance committee specially inquired into that circumstance, and we found that there were 433 lunatics that were charged to the county; but that there were only 40 out of those whose settlements could be dealt with at all, that is to say, there were only 40 out of 433 that were English or Welsh; the others belonged to foreign countries, or belonged to Ireland, and you cannot remove according to the present law lunatics across the sea; that is as regards one item of expenditure. Another item of expenditure is the coroners' inquests, the cost of which last year was 4,443 *l.*, and of course you cannot control that.

225. That includes salaries, does it not?—It includes salaries, and the salaries are fixed by an estimate of the previous five years. The finance committee tried to make arrangements with the coroners the last time; three of them appealed to the Secretary of State; the rest agreed with the county in every respect; and in the cases of those three, although they asked considerably more, two of them got only 10 *l.* advance beyond what we had offered them, and the other got 11 *l.*

226. You were always under what was awarded by the Secretary of State?—We were under what was awarded by the Secretary of State in those three instances; in the other instances the coroners did not appeal.

227. In the event of a vacancy of a coronership, I presume you have the sole control of the salary?—Now that the districts are assigned to the different coroners in case of a vacancy, I rather think that you are bound to look at the sum to which the last man was entitled; but in order that we may have grounds to go upon at the end of the next five years, we furnish an account which the coroner is obliged to fill up and present quarterly before the district finance committee. We have, to a certain extent, curtailed the expenses as far as we could go. We found that the old scale of allowance for witnesses might be diminished, and we reduced it about two years ago to the sum allowed by the Secretary of State's scale for witnesses in criminal cases.

228. I understand you to say that at the present moment you think you could not reduce the expenses of the coroners without the consent of the Secretary of State?—We cannot do it; the list of salaries of coroners have been settled by agreement between the finance committee and themselves, and in three cases it was agreed to an appeal to the Secretary of State with the result which I have mentioned.

229. But has the Secretary of State the power under any Act of Parliament to say what shall be given to the coroner?—Whenever the county and the coroner cannot agree there is an appeal to the Secretary of State.

230. Will you take the next item?—The next item is with regard to gaols. Of course you will see that our expenditure has been very large indeed upon the building of gaols, and that has been forced upon us by the Legislature. The separate system is now enforced by law, and we have had to change and remodel the gaols of Lancashire at an immense expense; in one case, rather than attempt to remodel the gaol of Salford, which holds about 700 or 800 prisoners, we have been obliged to build a new one; and to show the compulsion that there is upon the magistracy we have had a circular letter, addressed to the visiting justices of the several gaols in Lancashire recently, from the Home Office, calling attention to the fact that our buildings are not in conformity with the law, and asking why they are not so; for that unless some rapid change is made the Treasury will disallow the payment for convicted prisoners. Of course the answer has been that we are getting on, and changing as fast as we can. Then, with regard to our lunatic asylums, they are in a state which is not at all desirable for them to be; we have three large lunatic asylums, and we have accommodation for 2,670 patients, and the asylums are now completely full. Besides that, we had, when I inquired into the matter a few months ago, 100 female pauper lunatics in a private lunatic asylum, and the time has arrived when I think we shall be compelled to go and build a fourth asylum. We did hope that it might be put off, because, in the southern part of the county, where members of the boards of guardians are of a higher class, and take a more extended and liberal view, they have built, in connection with their workhouses, separate lunatic wards for lunatics of a peculiar class, harmless and chronic lunatics; and as many as there are of that class belonging to those unions are removed from our lunatic asylums. We have made inquiry to see how the expense might be spared; we find there are about 450 of that class in our asylums now. If the boards of guardians in the northern parts of the county had taken the same view that those in the south did, we should save for the present the expense of another asylum.

231. Are there any other items that bear heavily upon the county rates?—Only the police and the coroners; we have no expense upon highways; we have a large extent of way, but it is merely connected with the bridges.

232. Has the Highway Rate Act generally been adopted in the county?—It has been adopted in some parts of the county.

233. Should you say that it has been adopted in more cases than not?—It has been adopted in the West Derby hundred, in the Liverpool districts. But I was on a committee for the purpose of debating and expressing our opinions with regard to the introduction of the Highway Act into the hundred of Salford, which is the most populous part of the county, and in which there are the large towns of Manchester, Bolton, and all that district. We debated the matter, but it was not considered politic to adopt it, inasmuch as the traffic was so enormous in some parts, and so very small in others; and at any rate the ratepayers were generally opposed to it, and it was never attempted to be introduced.

234. Have you any other items of expenditure to which you would refer?—No. I will just hand in this table, which we require the coroner to fill up, in order that the auditor may examine every account (*delivering in the same*).

235. Will you state what is the expense to the county of the clerk of the peace?—The clerk of the peace is paid by fees; therefore I cannot possibly tell. He acts also as the solicitor for the county; he has no salary. He has fees over which we have no control whatever.

236. The clerk of the peace, I believe, acts by deputy, does he not?—Yes.

237. And has done so for years under an old arrangement?—Yes.

238. Can you state what the arrangement is

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with respect to him?—No, I cannot get to know that.

239. Will you state how you keep your accounts?—The accounts are kept at the office of the county treasurer.

240. What is the county treasurer's salary?—£. 800 a year.

241. What is the amount of money that goes through his hands?—The amount that went through his hands last year was about 281,000*l.* The total ordinary and extraordinary expenditure for the county last year was 281,716*l.* 11*s.* 6*d.*, of which 151,000*l.* was raised in rates, and the remainder was receipts in aid of rates, making up the difference. There was a loan of 55,000*l.*, and there were contributions from the Treasury, and other receipts from fines and penalties.

242. What rules have you with regard to the balances in the treasurer's hands?—The balances in the treasurer's hands vary from time to time; but in the first place we must keep separate accounts, inasmuch as the rates are unequal in different parts of the county. The balances do not exceed something like 20,000*l.* or 30,000*l.* The amount varies from time to time, and we have special banking arrangements with the county bank.

243. Is the county expenditure carried to the account of the treasurer at the bank, or to the account of the county?—To that of the county. The general finance committee may from time to time, if they so think fit, make terms with the bankers; and these are the present terms with the bankers: "That the terms between the county and the Lancaster Banking Company be the average of the Bank of England rates during each half-year, less 1½ per cent, on deposits, provided that the rate allowed to the county be never less than 2½ or more than 4½ per cent., and the same for advances, subject to ⅛ per cent. commission on all sums withdrawn." That is the arrangement made by the general finance committee with the county bank; sometimes the balance exceeds on one account, and falls behind on another; but it generally averages from 20,000*l.* to 30,000*l.* We are constantly, every quarter or oftener, watching those balances and regulating them.

244. How often are the treasurer's accounts balanced by the finance committee?—Whenever the finance committee meet, a statement of the cash balances is laid before us, and I put my name at the bottom.

245. How often is that?—At least once a quarter, or oftener.

246. What is the staff of the treasurer's office?—He has two clerks, and the county auditor is in his office. The county treasurer's salary is 800*l.* a year; it was 600*l.*; but we have increased it lately. The standing order is: "That the salary of the county treasurer shall be 800*l.* per annum, out of which sum he shall pay his clerks and defray all ordinary travelling expenses incurred in the execution of his duties. That the county shall provide a suitable office, and all books and stationery. That the county treasurer shall be required to find sureties for the due performance of his duties to the extent of 10,000*l.* That the county treasurer shall adopt such a system of bookkeeping as the general finance committee shall direct. That the county treasurer be required to devote his whole time and attention to the duties of his office. That the county treasurer shall without any increase of salary act as treasurer to every county establishment, and in every department of the county expenditure whenever called upon so to do. That all orders of court at assizes and quarter sessions for the payment of bills of prosecutions shall be paid by the county banker, or his agent in the town where such order shall be issued, and that all parties receiving the money shall in every case be required to give a receipt for the same. That a copy of the annual book of accounts be sent free of charge to the chairman of each board of guardians within the county, when, and so often as the said book is distributed amongst the magistrates."

247. Is any other signature required for the payment of money out of the treasurer's account?—Every bill in the county is paid by the county treasurer; every item comes into his office. The county accounts are kept in the county treasurer's office on a system of double entry. The mode of proceeding is this: Supposing that money is wanted, either for the expenses of a gaol or any other bill, the visiting justices sign an order on the county treasurer for the payment of the amount. This is signed by the county treasurer, who has it in his hands, and examines into it to see whether it is a legal order or not, and the money is not paid till he signs the order. It is then presented to the county banker and paid to the party in whose favour it is made. I have here an instance where an order has been made under the Summary Conviction Act upon the county treasurer for payment. I had it from him a day or two ago, in order to show the Committee the mode of proceeding. On receiving the order he goes into it, and he finds whether the proper calculation is made for witnesses; he finds a mistake of 4*s.*, he writes back to the clerk for information, and he disallows the 4*s.*

248. What salary do you give to the auditor?—We give to our auditor, who is specially appointed, a salary of 350*l.* a year, and we consider him the most valuable officer in the county. For 350*l.* his duties are to examine and audit every item of expenditure throughout the whole county. The standing order with regard to the auditor, is as follows: "That the duties of the auditor shall be to audit the accounts of all the county establishments, except those of the county treasurer" (the accounts of the county treasurer are ultimately audited by an independent auditor), "and to examine all accounts payable out of moneys raised by rates and orders in every department of the county expenditure, and all accounts of fees, fines, and penalties, and other receipts in aid of rates; that he shall be accommodated in the county treasurer's office, and act under the superintendence and direction of the general finance committee. That in addition to the above duties the auditor shall act as clerk to the general and district finance committees. That the auditor shall attend, for the examination of accounts, monthly, quarterly, or as circumstances may require at each county establishment, and at the various petty sessions, and shall as soon as possible examine all bills of costs at quarter sessions previous to payment. That the auditor shall from time to time report to the visiting justices of each establishment or to the general or district finance committees, as the case may be, and shall point out any irregularity of charge or payment, and suggest any alteration which he

may think an improvement in the method of keeping the accounts or economising the funds of the county." He examines every bill, and he also examines and audits all the bills in the different asylums; that is to say, the maintenance accounts of the asylums over which the rest of the magistrates have no control, but by the sanction of the visiting justices of each of those asylums. The auditor passes all those bills. He is of the greatest use. He has pointed out from time to time where a saving might be effected, or any irregularity in the accounts. Until recently, the three lunatic asylums were keeping their accounts in some particulars upon a different system. It has been ordered by the general finance committee, and approved by the court of general sessions, that a uniform plan should be laid down upon which all the accounts of the three asylums shall be kept exactly upon the same plan, in order that they may be clearly set one against the other in every item. The next thing is that we shall proceed with the gaols, and require some kind of uniformity with regard to their accounts.

249. Is that a continuous audit, or audit from time to time?—He is continuously employed, almost from day to day, going from one county establishment to the other, and in one particular we have found very great advantage. We never could get a proper return from the different magistrates' clerks in the county; they were constantly in arrear, and we had no means of checking them. That was one reason why we considered that a county auditor so appointed might have influence, and I will show the Committee the result. We first of all called upon the magistrates' clerks to keep a charge sheet in the case of every offence, and every fine and penalty inflicted in petty sessions. We also required the superintendent of police to keep a similar charge sheet by one of his serjeants, who is in court; and it is the business of the auditor not only to audit all the accounts of every other establishment, but also to proceed once a quarter at least to every petty sessional division in the county, of which there are 24 or 25, and to examine into those accounts. The result has been this, that he was appointed in 1864; our total receipts for that year and the four previous years were about 5,800 *l.* or 5,900 *l.*; last year's receipts from fines and penalties was 9,322 *l.*, and we attribute that entirely to the watchfulness of the auditor.

250. Mr. *Wyld.*] Does every item of expenditure and receipt pass under the review of the auditor?—Every one.

251. *Chairman.*] Do the whole eight magistrates associated with you take the same active interest in it that you do?—Two or three of them do; of course there is a great deal which falls to the chairman between the times at which the committee meet. The auditor is continually reporting to me, and the county treasurer points out anything that comes into his office which is in any shape irregular.

252. Do you consider that this enormous amount of finance could be properly administered without the continuous supervision of a finance committee?—I am sure that it could not. We have so many establishments; we have four gaols, and we have besides eight militia store-houses, and without the superintendence of a finance committee, I am sure that the expenditure would to a certain extent be carelessly administered.

253. In the performance of your duties, have you to visit the various districts of the county?—No; I do not know that there is any necessity for that.

254. Your head quarters, I presume, are at Preston?—Yes, our head quarters are at Preston, and our information is full and complete, because every bill comes into the county treasurer's office there. With regard to the management of the constabulary, the county is divided into, I think, 21 districts; each district pays its own police, and is chargeable with its own police, and each pay a proportion to the head-quarter's staff. There is a constabulary committee, who meet once a month to audit the accounts, and to advise with the chief constable, and that committee is composed of one representative from each petty sessional division.

255. Have the rates of the county of Lancaster materially increased within the last 10 years?—I do not think the rates have increased, but the expenditure has increased, of necessity. When the county was last valued, and it was valued in 1865, we raised the basis of the rate at that time from an assessment of 6,909,656 *l.* to 10,029,967 *l.*; therefore, of course for the general purposes of the county, any rate which went over the whole county must be considerably diminished in the pound. There have been increasing expenses, as I have mentioned, with regard to those large buildings which have been recently erected. In going over the different townships or parishes, there are some that, in that time, have positively diminished in value, and some of them that have enormously increased: some of them to the extent of 200 per cent.

256. Admiral *Duncombe.*] You stated that the county of Lancaster was divided into four quarter sessional divisions, and that you have one clerk of the peace for the whole county. Has he a deputy for each of those divisions?—The clerk of the peace for the county of Lancaster holds an old sinecure office. There are three gentlemen, who are deputy clerks of the peace, appointed by the clerk of the peace.

257. And are they paid by him?—They are paid, by an arrangement with him, out of his fees.

258. And have you one treasurer for the whole of the county?—Yes.

259. And one chief constable at 500 *l.* a year, and a deputy chief constable at 300 *l.* a year?—Yes.

260. Is the pay of the constables throughout the whole county uniform?—Yes.

261. Why is it found necessary to have a separate auditor for the treasurer's office; why would not the county auditor be equal to audit those accounts?—We consider that our county auditor, who goes through and audits every bill in the different establishments, is, to a great extent, the adviser of the magistrates; at any rate, he is a clerk to the magistrates for the purpose of taking care that everything is done correctly; but when the bills come, ultimately, into the county treasurer's office, we consider that it is right that they should be audited by an independent auditor, and that independent auditor's business is, of course, to require the county treasurer to produce vouchers for every payment.

262. What is his salary?—The independent auditor is appointed from year to year, and inasmuch as the general finance committee are considered responsible for the proper conduct of everything connected with finance, or at any rate to report if it is irregular, the responsible duty of

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of appointing this person from time to time is vested in the finance committee, and they pay him 40*l.* a year.

263. I do not understand what authority the treasurer requires for all the payments which pass through his hands?—An order from two of the magistrates authorised to permit the payment of a bill, such magistrates being duly appointed by the court; and they can only sign orders on behalf of the establishment to which they are appointed. In the case of a petty sessional division, the only business that they would have would be to sign and allow the pay and the contingencies of the police of their district; nothing else. Those would be the only bills that they would have anything to do with.

264. They would have the expenditure on repairs of the petty sessions-houses, the magistrates' rooms, lock-ups, and so on, would they not?—Those will appear in the contingent account of the superintendent of the police of the district, and the monthly account will come before the magistrates in petty sessions; two magistrates in petty sessions will sign that account, and the account then goes to the constabulary committee at head quarters, and if it is correct, and according to the scale, then an order is made upon the county treasurer.

265. Then he makes no payment without the signature of two magistrates, whatever the document may be?—No; or without the signature of the person authorised. For instance, the chairman of a committee may be authorised to sign; for instance, the chairman of the cattle plague committee.

266. Is the annual general sessions in the month of June at Preston held more for the general finance committee, or anything else, or is other business transacted there?—It is for all matters of business of finance; and it is adjourned from time to time; and it has jurisdiction over all those duties that the magistrates have in quarter sessions in England generally beyond judicial ones; that is to say, every rate is laid there. Twice a year, when a rate is laid, the general finance committee, with the county treasurer, send round a circular form to every county establishment to ask them what money they will want to carry them on for the next six months. After those returns have come in, they look to the state of their cash balances, and consider whether those estimates are such estimates as can be relied upon, and they then determine what to ask for, and they go prepared with that paper. (*The Witness produced a Paper,* vide *Appendix.*)

267. That is from the finance committee, of which you are the chairman, and it is filled up by the magistrates of each quarter sessions?—Yes.

268. What are the actual duties which are performed by the general sessions held once a year at Preston in June?—First of all, to lay all those rates, and to sanction those rates.

269. In fact, it is the general finance committee of the whole county; no other business is transacted there but what is connected with the finance business of the county?—All county officers are appointed there. The finance committee are, to a certain extent, the advisers of the county in matters of finance.

270. That is a general meeting of the magistrates once a year at Preston?—Four or five times a year; we meet by adjournment. The standing order says, that an annual general sessions shall meet once a year, but we meet by adjournment at any rate four or five times a year, if not five or six. We cannot make any appointment without a meeting. For instance, the other day we had a vacancy in the office of chief constable, and we were obliged to have a meeting for the purpose of electing him; the quarter sessions cannot vote any money. A vote for the expenditure of money is taken at the general sessions, and then it is levied at the quarter sessions afterwards.

271. Is that the expected expenditure for the future?—Yes; the chairman of the general finance committee will move that such a rate in the pound shall be granted for all those purposes.

272. But it must sometimes happen that particular heads have exceeded their estimate, and on other particular heads it is the case that there may be a reduction in the sum required; what is done with these balances?—In the first place the balance goes to the credit of the next half year. We should not hesitate to overdraw our account at the bank if we wanted it.

273. It goes to the credit accounts of the next half year under that particular head?—Yes; we never confuse those heads. That would be unjust, because that would keep the expense more than it ought to be under particular heads.

274. Mr. *Wyld.*] The auditor may be the servant of the finance committee?—He is immediately directed by the finance committee; he is their eye, as it were.

275. Do you know any neighbouring county where the auditor is appointed by the finance committee to check the accounts of the magistrates, generally?—I believe there has been some appointment of the kind in the county of York.

276. They appoint the auditor themselves?—The auditor is appointed by the general sessions; he is an officer of the county.

277. He relieves the magistrates to some extent from responsibility in checking the accounts?—Of course he does; and he assists in carrying out any economical arrangement, and preserves them from irregularity.

278. In the general court that is held to sanction accounts presented by the finance committee, are those accounts ever altered or amended by the general body of the magistrates, or do they receive and sanction generally the report of the finance committee?—Of course the bills are all passed and audited, and remarks made.

279. But the magistrates as a body have no control over the acts of the finance committee, except to sanction them?—The power of the finance committee is merely a power of finding fault, and merely a power of reporting to the court anything that they think wrong, or any amendment which they consider may be made with regard to the accounts; for instance, if a person is paid by fees, they might recommend that he should be paid by salary; they have merely the power of reporting to the court.

280. If I understand you accurately, the finance committee have the entire control of the expenditure of the different funds in the different districts?—No; we have no power of controlling the expenditure at all; we have only the power of reporting.

281. As regards the committee of visitors of the lunatic asylums, if I understand you aright, the magistrates have no control over them?—The magistrates of the court of quarter sessions, or of

of the court of general sessions in a county like ours once a year appoint a certain number of their body as a committee of visitors of an asylum, and when they have once appointed them they are, by the particular Act of Parliament under which they act, responsible for the management of that asylum, and the rest of the magistrates of the county have no control over them, excepting that the visitors have to present a detailed account of all their expenditure in very great detail to the magistrates of the county once a year, and they have the power of criticising, which they exercise very freely, and they have the power of appointing an entirely fresh committee if they disapprove of their management.

282. During their year of office the visitors exercise the power of expenditure without control?—Certainly.

283. You stated that you think the magistrates are the largest ratepayers in the county; do you mean as individual ratepayers, or that the magistrates, as a body, pay rates to a greater amount than the whole of the rest of the county?—No; I mean that there are amongst them many who pay very large rates directly.

284. Then the ratepayers, as a body, who are not magistrates, and who hold a greater amount of property, pay a greater amount of rates than the magistrates themselves?—I should imagine so.

285. You have paid very much attention to these matters, and it is not very often that gentlemen devote so much time to them as you do; would you, from your position, have any objection to have associated with you on the finance committee members elected by the ratepayers in the county generally?—My idea is this: of course it would depend upon the class of persons whom the ratepayers would elect, whether they would be proper persons; but I have looked into the Bills that have been proposed for financial boards, and it appears to me that you must first of all consider this, inasmuch as the Legislature imposes upon the magistrates of the counties very important duties; the first care to be observed is, that you do not introduce a measure which shall induce them to give up the performance of those duties; my idea is, that they would resist the introduction of a financial board who should exercise a considerable control over the expenditure on items, the particular exigencies of which they have no power of properly understanding; at the same time, I think that no harm would arise from the introduction of a certain number of persons, and that the chairman of the board of guardians, being a member of the original court of sessions, should be enabled to vote upon all subjects of finance, questions of salaries, or anything over which he can exercise control; but if you go any further than that, then, I think, that in order to do away with that jealousy on the part of one person having the responsibility of managing an establishment, and another person controlling the first, you should go a step further, and impose upon the members of that financial body the responsibility also of expending the money and conducting the establishment.

286. Supposing a financial board were established which had simply to deal with finance, and were excluded entirely from any interference with the judicial functions of the magistrates, would that not tend to give greater satisfaction to the ratepayers generally than the present system?—I am sure it would not, for we should get into confusion directly. In the first place, I see that those financial boards it is proposed should contract for clothing and provisions, or anything that is wanted; you must make a representation to the financial board of what you want; if that were the case, we should be falling into the state of affairs which formerly existed in the county of Lancaster, where a sum of money, 2,000*l.* or 3,000*l.*, was voted to be expended, say, on a county establishment, as of a gaol; the visiting justices of the gaol expended this money, and there was not that control which we have now, and not that supervision of the bills. I can mention another instance in the management of the lunatic asylum at Prestwich, where I am the chairman of the visitors. As we meet from time to time, one of the principal things which we have to do is to look after the financial arrangements, taking care that everything is done as economically as possible; and there are so many things spring up that we have to watch, which we cannot explain to another body; we found that the butchers were combining to obtain an unfair price for their meat, and as we could not get a fair contract for provisions, we determined to buy our own cattle and slaughter them, and by that arrangement we have saved 800*l.* a year. I mention that as an instance, which I think a board which is only called together once or twice would not be cognizant of; but all those are matters which ought to be taken into consideration in the arrangements of an establishment; and I think that the magistrates would scarcely go and undertake the management of a lunatic asylum merely for the purpose of seeing whether the superintendent did his duty or not. And moreover, in addition to that, I think you would divide the responsibility of conducting any one of those establishments; the magistrates would say, truly enough, you find fault with our management, but you control our expenses, and you are the hindrance which prevents our management from being what it ought to be. I think myself that if you introduce innovations the chairmen or representatives of the boards of guardians might with propriety be members, *ex-officio*, of the court of general session, and vote upon all matters of finance, as to salaries or any other question; and they would at any rate have an opportunity of understanding the county arrangements perhaps better than they do now; but if you go any further than that, I should say, let those persons also be eligible for the performance of all those duties which are imposed upon the magistrates except judicial ones.

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287. You would have no objection to ratepayers being associated with the magistrates of the county in the administration of the financial concerns of that county?—I do not see why they should not, if they be a class of men of sufficient intelligence as to rank equally with such persons as we have now, be able to participate in the management of the lunatic asylum, as well as anybody else; but I think myself, that with regard to the controlling powers of the financial board, they can have no intimate acquaintance with all the peculiar details of the establishment which others in the management have; I am pretty sure that the Lancashire magistrates would cease to act, and we should be thrown at once into the hands of the officials of the establishment.

288. Have you any dissatisfaction in Lancashire

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cashire expressed with respect to the administration of the county rates?—Eighteen years ago; there was a great noise at the time, but there has been a very great change since then, and at that time it arose from a complete misunderstanding. It was at the time of the distress; the board of guardians called upon the parties to pay considerable rates, and they made always the excuse that it was owing to the county rate. There were some people who positively believed that the county rate was 2 *s.* and 2 *s.* 6 *d.* in the pound; and no wonder that there was dissatisfaction then. However, it has had no very bad effect, because it has led at any rate to the system of arrangement which I have detailed today.

289. Do I rightly understand you to say that the county having made an arrangement for the compulsory payment of certain rates, the great body of ratepayers ought not to interfere with the expenditure of those rates?—No, I do not say that; I say this: that the Legislature chooses to make use of the services of a large body of gentlemen, namely, the magistrates; and I think that if their services are to be called upon for the management of the public establishment they ought to have the means of conducting those establishments with efficiency, and that reliance ought to be placed upon them. I am quite sure that public opinion has such an influence upon them as to induce them to conduct the affairs with as much economy as is consistent with efficiency.

290. Would not the same reason apply to the poor rate; the poor rate is compulsory, but still the boards of guardians are elected by the ratepayers to control the expenditure of the rate?—My experience of the class of boards of guardians of the poor in Lancashire is not anything like my experience of the management of the magistrates; they are a very inferior class of men. I speak with very great respect of some of the unions of the county; but with regard to the class of persons who constitute the great body of the boards of guardians in other parts of the county, I have only to refer the members of the Committee to the last report of the Poor-law Inspector as to the condition of certain workhouses, to show what sort of men would be introduced into the finance boards.

291. Mr. *Kavanagh.*] I judge from what you say that you do not approve of the cesspayers, as we call them, in Ireland being associated with the magistrates?—No; I think myself that we should not act very well together; if they were the same class of men, and had the same responsibility, we might.

292. From your experience, you do not think that it would do?—I think not.

293. But still you allow that those cesspayers pay the greater part of the rate?—Of course the rate is a rate upon all the owners of property within the county.

294. Therefore they pay the largest proportion of the rate?—Inasmuch as the magistrates are not so numerous as the other ratepayers, of course it would be so.

295. This financial committee which you have described to us, I presume, has no power to originate extra charges?—Not at all. The fact is, every charge is regulated by statute, and the county treasurer, if he pays an order, only obeys the magistrates' order; and if he pays anything contrary to the statute, he is liable to have to pay it out of his own pocket. In one case the late county treasurer had to do that.

296. This financial committee could not originate extra charges upon the ratepayers?—Certainly not.

297. Mr. *Kendall.*] You said, as I understand you, that you do not agree with the appointment of a financial board unless they have part of the responsibility. For instance, with regard to the county lunatic asylum, unless some of that body, or that committee, can see what the working is, it would be impossible for them to be able to judge as to the mode of payment, and so on?—I say so.

298. With regard to the county lunatic asylum, and with regard to the increase of salaries, in almost all cases you require, at one quarter sessions, to give notice that you intend to move for an increase at the next quarter sessions?—Notice is given to the clerk of the peace 21 days before the meeting of the general session, and the clerk of the peace issues the agenda paper with the notices of motion, and the whole business to be done is in the hands of the magistrates 14 days before the meeting.

299. After that notice, you can at once decide upon the increase in the salary?—Yes; of course after that we can.

300. As I understand from you, with regard to the County Lunatic Asylum, when once you appoint a committee, the committee are all-powerful, and all that you can do is to criticise what they do?—Yes; we can do no more.

301. They can increase the salaries if they choose?—Yes.

302. They can increase the salaries of the medical staff?—Yes.

303. And they can increase the salaries of the servants?—Yes.

304. Is your prison under the same state of circumstances?—No, we cannot do that with regard to the prisons.

305. Can you give me any reason why this power should be given to the visitors of the county lunatic asylum more than it should be given to the visitors and the committee of the county gaol, who are obliged, as I believe, to submit to the quarter sessions every increase of salary, even every payment to a servant?—I do not know, unless it is that they administer different funds. Of course, the funds which the visitors of the lunatic asylums have to deal with are not county funds; they are funds arising from the contribution of different unions. It seems to have been done by the Legislature in order to increase the responsibility.

306. Do you not think that it would be more satisfactory to the ratepayers if the matter was submitted to the quarter sessions?—It might be so, but I do not think that it is a matter which would be of any consequence at all to the ratepayers.

307. From your experience, do you fancy that the increase of the salaries and the whole expenditure is managed with as much economy in the county lunatic asylum as it is in the county gaol?—I think it is.

308. Taking your experience of asylums generally, do you think that the asylum expenditure is managed with as due regard to economy as that which is exercised with regard to gaols?—There is this to be said, that in the one case the visitors can increase a salary, and it is not known that they have increased it till the next publication

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tion of the accounts, whereas, in the other case of course, before they can increase any salary, they have to appeal to the general sessions and state their case, and everything connected with it; and I say this, that one would naturally suppose that the visitors of the gaol would hesitate more than they would in the other case.

309. You have three great sources of expenditure, your police committee, and your gaol committee, and your asylum committee; do you fancy that the same economy is exercised in the whole three departments?—I think so; with regard to the police we have been compelled to increase their pay; I resisted it, and protested against it; when the notice of motion was given I protested against it as the chairman of the finance committee, and I held back until everything else had been tried. We endeavoured, by advertisement throughout the kingdom almost, to get men, but we failed, and at last we were obliged to give more.

310. Has your increase to your police been very large lately?—In 10 years the police have been increased more than 200; from 600 odd to nearly 900; but of course our population has increased, and the property has increased very much also.

311. Taking the whole of the county financial matters, could you suggest any improvement in their administration in an economical point of view?—No, I could not; because there is a concentration of accounts now which we could not get under any other system.

312. Mr. *Henniker-Major.*] I think you stated that at the general sessions every year the finance committee was elected?—Yes.

313. In fact they are only appointed for one year?—That is so.

314. Are the finance committee generally continued in office, or are there fresh members appointed?—There are sometimes changes made, but the members are for the most part re-elected; and some of them have very great experience. In the county of Lancaster we have very different ratings for our different establishments, and a man coming in new cannot know them; at any rate it is necessary that such men should understand the general machinery of the finance administration; but there are changes made from time to time.

315. Did you hear what Lord Kesteven said, that it was very necessary that those who were on the finance committee should have some experience, and do you agree with him in that?—Decidedly so; in the first place the business of the finance committee is to have the whole county expenditure under review; and, if we were not cognisant of the management of all our public establishments, we should have no influence in any remarks that we made in our reports with the visiting justices, nor should we be listened to by the court generally.

316. Mr. *Heneage.*] Do you think that the system which you have just now detailed could be carried out in a single quarter sessions in the same way as it is carried out in what I may fairly call the amalgamated union of the quarter sessions of Lancashire, by a general committee of the whole?—It would be carried out with the greatest ease; in fact the same system could be carried out by one distinct finance committee in any one section of a county in the same way as a general finance committee connected with the whole county. In fact it could be done with less trouble.

317. But the audit would be a greater expense on a smaller population than it would be on a larger one?—Of course it would; but we must get proper men, the head clerk in the county treasurer's office might be appointed; however, in some counties the county treasurer does not even want a clerk.

318. If you had a financial committee at the quarter sessions, what would be the objection to having one half or one portion of them elected by the ratepayers, and another portion elected by the magistrates?—My objection to that election is this, to having a financial board exercising a controlling power over financial matters, but having no participation in the management of the establishments.

319. I am speaking as regards the committee itself. What is the objection to having ratepayers upon the committee of the finance board instead of having all magistrates?—Then my objection would be, that if you had them upon the board in the first place, they would not be acquainted with the general management of the establishments; and I think it is essential for the finance committee if they are to find fault with any report or make any suggestion in the matter of economy, that they should be complete masters of the whole management of the institutions; and I should not object to them if they were.

320. Would they not be as able to make themselves acquainted with the whole management of these institutions as the magistrates, when they first became magistrates?—In the case of our general finance committee and our district finance committees, almost every magistrate that has been put upon these committees has himself been upon the committees of the different establishments so as to learn the mode in which the business is transacted; of course it is necessary at any rate to have a certain number of such persons on the committee.

321. As regards the chief constable, his salary is only 500*l.* a year; is there no other money which comes in to him in any other way?—No.

322. Has he the control and the inspecting of the police in the whole of the 25 districts which you mentioned?—There are, I think, 21 districts, and there are a certain number of men belonging to each district, and paid for by each district; but in case of a disturbance, under the Act of Parliament he has the power of moving them from one part of the county to the other.

323. Can he not remove the police from a village in one district to a village in another district?—He can change the police, but he cannot increase the number of the police. He can remove a man from a rural district into a manufacturing district; he can put them where he likes, but he cannot increase the number. The county is divided into police districts, and there are a certain number, say 25 police in one, 15 in another, and 30 in another; and the pay of these men is a charge upon the particular district.

324. You say that the auditor looks into the accounts of the petty sessions?—Yes.

325. Is it not a fact that the superintendent of each petty sessions gets every item of expense signed by the chairman of the petty sessions whenever it sits, and on his signature the money is paid?—The auditor examines into the accounts; but he also examines into all the fines and penalties

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which are due to the county. He inquires into all the fines and penalties which have been enforced in each petty sessions. He also examines the pay sheets, and everything else of the police force.

326. Before they go into the treasurer's office?—Yes.

327. You stated that the magistrates represent a very large proportion of the ratepayers; what proportion would the clergymen who are amongst the magistrates of Lancashire bear; I mean the clergymen without property of their own, who are only appointed on account of their holding benefices?—There are comparatively very few clergymen in the county of Lancaster who are magistrates. I do not know above a dozen; but they are a very small proportion in comparison with what is the case in other counties. In fact, the great majority of our magistrates are persons engaged in commerce and manufactories, country gentlemen and lawyers.

328. Can you tell me what proportion of the magistrates, as a rule, attend the quarter sessions?—There are 600 or 700 magistrates. Our magistrates are divided into committees; for instance, there are committees of the different gaols and the different lunatic asylums. Those men may attend to their business on their committees and in those establishments; and they may not generally, or all of them by any means, attend the general sessions. At the last attendance there were 270; but that was a special case, and I should say that the general attendance is about 70.

329. You have named some half-a-dozen committees; how many different magistrates do you suppose are on the whole of those working committees of the county?—The visiting justices of the Salford gaol would be 15. On some gaols there are as many as 30, and there are from 20 to 30 in each of the lunatic asylum committees.

330. And you say that there are about 70 who attend at the general quarter sessions?—The annual general sessions, I mean, when the money is voted.

331. Are they generally the same magistrates?—No, not by any means.

332. Are they the working magistrates?—I do not know that. Generally there are new ones attending for the first time, but not always the same; a certain number attend.

333. At any rate, we may take it, that there are not above one-seventh of the magistrates who really attend to the business, as a rule?—They do not attend the general sessions.

334. And you allow their names to be on the committees for real work?—There are more than that on the committees for work.

335. But some names appear over and over again, do they not?—I mean to say that those magistrates who are on the committees may not be and are not for the most part those persons who attend the general sessions. It does not at all follow that they should be the same.

336. Mr. *Hibbert.*] With regard to a question which has just been asked you, is it not a fact that every item of expenditure that is allowed at the general session is very closely scrutinised by the magistrates of Lancashire?—I do not think it is possible for it to be more scrutinised than it is.

337. And in some cases where proposals are made to increase salaries, the proposal of the committee is sometimes not carried out by the court in general session?—Decidedly, there is very often an opposing vote.

338. You were asked whether there has been any dissatisfaction in Lancashire with respect to the management of the county finances; is it not the fact that, although there might have been dissatisfaction some 10 or 12 years ago, that dissatisfaction has entirely ceased at the present time, and that that is principally owing to the great representation of magistates from different parts of the county being placed upon the different committees?—I think so.

339. Is it not the case, that nearly every committee that is formed, with the exception of the finance committee, has a representative if possible at the present time from each petty sessional division?—That is done certainly in the case of the lunatic asylums as much as possible.

340. And also upon the other visiting justices' committees?—Yes.

341. Does not the fact of having a representative from each division, very much act as a representative machinery in controlling the finances?—I think so. It has had the effect of giving an explanation to parties who did not understand the matter.

342. Is it not very much the fact that of late years persons who have been appointed as magistrates of Lancashire, have been persons who would have been appointed as representatives on any finance board, if such had been in existence, and who, most of whom, have taken an active part in those things?—Some of them would.

343. Are there a number of magistrates who are chairmen of boards of guardians in Lancashire?—Yes, there have been several.

344. And very probably they would be the persons who would be appointed?—Yes.

345. You stated that the magistrates have the control over the expenditure and matters connected with the asylums, gaols, police, and militia store-houses; if a representative finance board were appointed according to the plan proposed in the Bill, would not the fact that the asylums have to be paid for by a rate over the whole of the county, the gaols by a rate over only a portion of the county, the police by a rate over only a certain district of the county, and the militia by a rate over the whole county, create great difficulty in appointing persons to represent those particular places?—I think it would. In fact, the whole county ought to be represented uniformly.

346. For instance, if you appointed a person upon the finance board, he probably would be appointed from a place, say, a borough like Manchester, and he might be one who would be appointed, because he would really have only an interest in the expenditure on asylums and militia store-houses?—Yes.

347. Whereas he would have the control of finances in which he was not interested, or affected at all with regard to gaols and police?—Yes.

348. Do not you think that that creates a very great difficulty in the appointment of such a board as this?—Yes, certainly. In Lancashire the effect would be that you would appoint a representative who would have the control over the rates of a part of the county in which neither he himself nor the persons who appointed him were at all interested.

349. And you would appoint a man, to a certain

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certain extent, to control finances which he would not be called upon to pay at all?—Exactly so.

350. With respect to the asylums, when you say that the expenditure by salaries, and the expenditure at the asylum is not controlled by the magistrates till the report is made by the asylum committee; do you think, seeing that so much of the monies for carrying on the asylums, and the maintenance of the insane persons within them has to be paid by different boards of guardians, that some plan could be adopted by which the boards of guardians should be represented in some manner upon the asylum committees?—I see no harm whatever in their being represented upon the asylum committees, because they are directly interested, of course, in the expenditure which we are conducting.

351. Particularly with regard to fixing the amount to be paid by the boards of guardians?—The fact is this: the amount which they have to pay is, of course, regulated by the mode in which the maintenance and arrangement of the whole establishment is conducted, and the money is paid by the boards of guardians; and if a representation from the guardians is to be introduced, these are the establishments where, I think, they might be represented.

352. Do you think that they are intimately interested in the management of the asylums, than in any other parts of the county expenditure?—Decidedly so.

353. With respect to the gaols, is it not your opinion that it would be very difficult for the magistrates to carry out the discipline of a gaol upon the plan proposed by this Bill; namely, giving the control of the salaries and the wages of the warders to a committee, who were not interested in the discipline of the gaol?—I think that great difficulties would arise there, because there is a kind of antagonistic feeling sometimes on the part of the officers between keeping up the discipline of the gaol, and getting *éclat* from showing a good return of the earnings of the prisoners, which often militate the one against the other.

354. Your remark before with respect to the representatives on the financial board, that they would not be intimately acquainted with the working of these matters, would apply particularly to the working of the interior of a prison?—I think it would not do at all in a prison, because there the principal matter is the discipline.

355. With respect to the police, no expenditure connected with the chief portion of the expenses of the police force could take place without different persons memorialising the magistrates to appoint to those offices; and, therefore, they have indirectly a voice in the increase of the police force?—Yes, in every case that is so. Indeed, we have resisted so much, that in several instances where applications are made by persons of the higher class, to have the police to protect their property and houses, in that case we have refused, and they have had to pay for the policemen themselves. There are a certain number in our force of that description.

356. With respect to the gaols in the county of Lancaster, is it not the fact that they are really almost the most economically conducted gaols in the whole country?—I believe that the returns show that.

357. And now the county gaols are even more economically conducted than the borough gaols?—There is no doubt about that; and they are more economically erected, too.

358. Is it not a fact that the expense per prisoner at the Salford gaol, after deducting all the receipts that come in in aid of the rates, is only 5 *l.* per annum?—Yes, I believe so.

359. And at Kirkdale, which is another county prison, it is 16 *l.*; and at Preston, another county gaol, also 16 *l.*; whilst in the Manchester borough gaol, which I think is conducted upon the system of representation, the charge is 20 *l.* per prisoner per annum?—I do not exactly know those returns.

360. With respect to the county auditor, he is appointed as a check more upon the county officials than to save trouble to the magistrates?—Yes, decidedly with the view of assisting the magistrates to introduce economical arrangements, or better management, whenever they can, and to take care that no mistakes are made.

361. With respect to the mode in which accounts are paid in the county, no accounts are paid unless they are certified by two magistrates of the committee who are interested in the expenditure?—None.

362. And such account, after being signed by two members of the committee, goes to the county treasurer?—Yes; and it is not paid till the county treasurer has put his signature to it as having examined it.

363. And the same with respect to prisoners' earnings?—Yes.

364. The county treasurer manages the whole of the loans for the county, does he not?—Yes, together with the finance committee, he takes up loans and settles what rate is to be paid, and so arranges them that they shall be paid at different periods, so as not to in any way increase any particular rate at any one particular time.

365. Can you state whether, during the last few years, there has been any complaint at all on the part of boards of guardians with respect to the claims made upon them for county purposes?—I have not heard any.

366. Lord *Henley.*] I want to ask you whether the rateable value of those towns who had a municipal system of their own, is included in the 10,000,000 *l.* and odd?—Yes, the 10,000,000 *l.* includes the whole county for general purposes, although they are not rated in the same way. I mean that we have four large towns which have separate quarter sessions: Liverpool, Manchester, Bolton, and Wigan; they are included in the 10,000,000 *l.* They are not rated in the same manner, but they pay exactly the same rate for general purposes. They pay upon an order made upon them by the county treasurer, and they pay exactly upon the same amount. It is only a difference in the mode in which the rate is levied upon them.

367. Do they pay towards any of the county objects?—They pay towards all the lunatic asylums, and militia and vagrant lunatics; there are certain amounts to which they pay, and others from which they are exempt.

368. Lord *Edward Cavendish.*] If the ratepayers feel that they have got any grievance, have they any means of stating it before the finance committee?—The fact is, they would not state it to the finance committee, but they have other means of stating it; we have between 700 or 800 magistrates, and any one of those magistrates who is a member of the general court of quarter sessions may go and find fault with any account

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account, or may put any notice upon the agenda paper which he thinks fit, and he may call for a committee of examination or any other means of inquiry.

369. They have no means of petitioning the finance committee themselves?—Not to the finance committee, but they would appeal at once to the general court of quarter sessions; they would appeal by memorial, and out of 700 or 800 magistrates there is no difficulty in getting a magistrate to bring forward any claim or any grievance which they thought existed.

370. *Chairman.*] What is the expense of printing in your county?—I do not know what is the expense of printing, but it is considerable; I will show the Committee the system which we have adopted, in which we have made a great saving (*the Witness handed a paper to the Chairman,* vide *Appendix*), we find that nothing wants watching more than the printing, and we have adopted for the last few years this system; we have an immense number of forms of different kinds, and we advertise for tenders for printing all those forms, forms of notices and forms of returns of every kind and descripton; that which I have handed in is a specimen of a specification, and for that we receive tenders.

371. Have the expenses of printing been very much decreased by the new system?—No doubt, very much indeed.

372. You do it by contract?—Yes; an open contract published in the newspapers.

373. Do you take the lowest tender?—We take the lowest tender as a general rule; sometimes we may have some reason why we do not take the lowest tender.

374. What per-centage of reduction has been made by the contract system?—I cannot exactly answer that, because formerly we had printers all over the county, now we have a county printer, but it is an immense saving; I cannot say what it is exactly, because the business of the county has increased.

375. You do not know what the expense now is?—No; because it is under different heads.

THOMAS TUDOR TREVOR, Esq., called in; and Examined.

T.T. Trevor, Esq.

376. *Chairman.*] WHAT office do you hold?—I am deputy clerk of the peace of the North Riding of Yorkshire; and I have held that office nearly 20 years.

377. Has that office given you an insight into the expenditure of the county generally?—Yes; in the North Riding of the county we are a separate county to all intents and purposes; the North Riding is a county of itself.

378. In every respect?—Yes.

379. Have you no general county rate of any kind?—Not for the whole county of York.

380. Will you state the amount of the county rate for the North Riding?—The average of the whole expenditure for the last three years has been about 16,000 *l.* a year for the general purposes of the North Riding of the county.

381. Does that include gaols, lunatic asylums, and police?—No, not police; everything but police.

382. Will you state what is the amount levied for police?—What I have given you is not the amount levied, but the expenditure. The expenditure for police for last year was 11,994 *l.*

383. That is not quite half the expenditure?—No; the total expenditure for the North Riding is 27,630 *l.*

384. How is that expenditure managed; under what control?—There is a finance committee appointed by the court of quarter sessions, before whom every item of expenditure is brought, and reported by them to the court of quarter sessions, and then an order is made in open court upon the treasurer for the amount. No such thing occurs in the Riding as what I have heard stated here to-day of an order made by any two justices upon the treasurer, or by any single justice. With all due respect to those who do so, I beg to say that it is contrary to law for any justice to make an order upon the treasurer, or for any other body except the court of quarter sessions. The Act of Parliament expressly directs that all business relating to the assessment, management, and application of the county rates, shall be transacted by the justices in quarter sessions assembled in open court.

385. Mr. Birley informs me that it is not the case in Lancashire that any two magistrates at petty sessions have the power of giving an order upon the county treasurer, but confining yourself to the management of Yorkshire, the county treasurer cannot pay any amount except upon the order of the court of quarter sessions?—No.

386. How is the order given?—The finance committee report to the quarter sessions, and that committee are occupied, I should say, at least three days in every quarter with these matters. There is a gentleman who has been chairman of the finance committee for the last 10 years, who was formerly at the equity bar, and is now a gentleman of considerable property, who has devoted the utmost care and attention to the finances of the Riding. He has just been elected chairman of the court of quarter sessions, and of course a new chairman will have to be elected for the finance committee; but he has audited the accounts for the last 10 years, and is occupied in so doing at least three days every quarter previous to the quarter sessions; then the committee report the items of every receipt and expenditure to the court of quarter sessions, and a discussion always arises upon the report of the finance committee; I have never known it otherwise, and occasionally the report has been amended by order of the court, and then the payment is made by order of the court of quarter sessions, signed by the chairman of that court, and by the clerk of the peace.

387. What, upon the average, is the rate in the pound in the North Riding for general purposes?—The average has been about 3½ *d.* for the last three years; last year it was 3⅝ *d.*

388. What was the increase owing to?—The police have been increased latterly, and the whole increase in the county expenditure is attributable to the expenses of the police.

389. You have had a good many years' experience; could you state generally whether the tendency within the last few years has been to increase, or the contrary?—The tendency has been to increase, because the whole business of

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the Riding has very largely increased within the last few years; the population has very largely increased; the increase between 1851 and 1861 was at the rate of 15 per cent. The number of registered electors of the Riding has very largely increased within the last 10 years, and every sort of business has largely increased.

390. Can you give us the amount of the salaries in the North Riding, beginning with the clerk of the peace?—The total amount of salaries of the North Riding for the last year was 3,116 *l.*

391. Will you now give us the salaries in detail?—The clerk of the peace is paid by a salary. I should say that there is an Act of Parliament which governs the mode in which the salary of the clerk of the peace is to be paid. The justices have not much control over it, because the Act of Parliament prescribes that he shall be paid upon the average of the fees for the last five years preceding the fixing of the salary; and if he and the justices should differ in opinion, either of them can appeal to the Home Secretary, and both must be bound by the Home Secretary's decision; his salary is 889 *l.*

392. Does he perform his duty in person or by deputy?—He attends every quarter sessions. He is a barrister, and does not attend so much to the minutiæ of the detail as I do, but he is at every quarter sessions attending the court.

393. You are his deputy, are you not?—Yes.

394. Have you a separate salary?—No; 889 *l.* is the whole salary paid by the county to the office.

395. Will you give us the next salary?—The treasurer is paid 200 *l.* a year.

396. With a house or without?—None of the officers have a house except the governor of the gaol. The bridge master has 300 *l.* a year.

397. Now, can you give us the items; what is salary and what is the amount spent upon bridges?—That is the most unsatisfactory part of the expenditure. There are 148 bridges in the North Riding, the total distance of road being somewhere about 17¼ miles, and yet the cost of repairing those roads is 870 *l.* a year.

398. Is that exclusive of any repairs to the bridges?—Yes.

399. What is the sum for the repairs to the bridges?—The repairs to the bridges last year cost 221 *l.*

400. That, therefore, makes upwards of 1,000 *l.*?—Yes. Upon the subject of bridges and bridge-roads, I would beg to point out that the Highway Act has lately been adopted in the North Riding, and it has occurred to the finance committee of the justices that the maintenance of these roads would properly be conducted hereafter by the different highway boards in the district; and they were in hopes that the 17 miles of road would be maintained at the same cost as any other 17 miles of road in the Riding; but, on application to the different highway boards, they have, with very few exceptions, declined to contract for the repairs of the roads over the bridges, except at the same cost which they have ascertained to have been paid the year before; and yet those highway boards are elected by the ratepayers.

401. But I understand you to say that the expense comes to 1,000 *l.*, and that the salary of the bridge master is 200 *l.*?—No, not included in that; that is the actual cost of the repairs of the roads; the salary is 300 *l.*, and is in addition.

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402. Is there any other salary attached to the bridges but that of the bridge master?—No.

403. Will you give us the next item, the gaol expenditure?—The gaoler of the Northallerton House of Correction has 300 *l.* a year, which is a less salary than that of the former gaoler. The present gaoler was elected about three or four years ago. The last gaoler had 400 *l.* a year, and a house to live in; but the present gaoler has 300 *l.* a year, with a house, and he was elected from a very large number of candidates. The justices advertised for the situation, and I think there were either 70 or 80 applicants, and the present man, who was a perfect stranger to the justices, a captain in the army, was elected.

404. Could you state to the Committee what is the average number of prisoners in the gaol?—No, I cannot. I can state the number of committals to gaol for the last quarter: there were 275 for the quarter up to Easter sessions last.

405. What other expenses are there attendant upon the gaol?—There is the chaplain, who receives 200 *l.* a year; his salary was increased at the last sessions from 150 *l.* to 200 *l.* a year. We have two chaplains, a chaplain of the Established Church, and a Roman Catholic chaplain; and the Roman Catholic chaplain has 40 *l.* a year. Then there is a surgeon, who has 100 *l* a year; and there are a matron and assistant matron, and several other officers. The matron has fifty guineas a year.

406. Can you give us the sum total of the expenses of the gaol?—I can give you the sum total of the expenses of the management of the gaol, exclusive of salaries: it was 2,633 *l.* 15 *s.* 4 *d.* last year.

407. Have you a lunatic asylum?—Yes.

408. What is the expense of that?—That cost us upwards of 70,000 *l.* or 80,000 *l.* originally.

409. Did you borrow the money?—Yes.

410. Is any of the debt remaining?—Yes; 30,000 *l.* of it is still remaining. It was originally a lunatic asylum belonging to the North and East Ridings in conjunction; but it now belongs to the North Riding alone, the North Riding having bought out the East Riding, who are about to erect an asylum of their own, I think.

411. Can you state to the Committee, what is the expense per head of the lunatics?—That is not in my department, but I rather think, speaking from memory, that the charge to the townships is either 8 *s.* 9 *d.* or 8 *s.* 10 *d.* a week. I think the next largest item in our expenditure is the coroners' expenses, which last year amounted to 1,184 *l.* Upon that subject I may mention to the Committee, that an Act of Parliament prescribes also the way in which the coroners' salaries are to be fixed. They are subject to revision every five years, and they are fixed upon the average of the fees received by the coroner during the preceding five years. When the day for revision came last year, the North Riding justices in accordance with the Act of Parliament, fixed a salary for each of the coroners, of whom there are seven, and two of them differed from the justices and appealed to the Home Secretary, who referred the question to the justices, but he differed from the justices, and decided in favour of the coroners, giving them much larger salaries than the justices thought they were entitled to; the Home Secretary taking into account on that occasion, an item which the Act of Parliament did not recognise, namely, the probable increase in the district during

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during the next five years, which is not a feature at all recognised by the Act of Parliament.

412. You have heard the evidence of the former witnesses; could you give the same opinion that they have given with regard to the portion of the rates which you think is independent of the magistrates, and over which the magistrates have no control?—I do not think that the magistrates have any control over anything except the salaries. As to the largest salary which they are bound to pay, that of the clerk of the peace, the justices have practically no control, because if they offered him a less salary than he thought fit to take, he could appeal to the Home Secretary, and could get what the Act of Parliament gives him.

413. Surely the magistrates manage the lunatic asylums; the expenses of the lunatic asylums are in their own hands, are they not?—By Act of Parliament they are bound to appoint a committee of visitors. The Act which regulates the law of lunatic asylums, requires the justices in quarter sessions to appoint a committee of visitors; and that committee are quite uncontrollable. They can regulate everything connected with the asylum. I heard a question put by an honourable Member, with reference to pensions to officers of lunatic asylums; they can fix the superannuation allowance to any retiring officer of the asylum, but that superannuation allowance must, by a recent Act of Parliament, be sanctioned by the justices in quarter sessions.

414. That is a very recent Act, is it not?—Within five or six years, I think.

415. Have you had any complaint in the North Riding with regard to the county rates; have there been any public meetings on the subject?—There have been public meetings held, I see by the newspapers, by a recently constituted body called the Chamber of Agriculture, but no complaint has been made to the quarter sessions of the excessive amount or of the unequal levying of the county rate; there is a committee of justices, I should say, appointed for every expenditure, and every possible item of expenditure which they have the power of controlling, is controlled by one or other of the committees.

416. How often do those committees meet?—The finance committee meet three times in every quarter; the police committee once a month, I think; the visiting justices of the gaol meet once a week; and the other committees meet as often as they are required to meet.

417. How is the finance committee appointed? They are appointed by the justices in quarter sessions.

418. Admiral *Duncombe.*] You stated, did you not, that the expenditure of the North Riding, per annum, is, in round numbers, about 28,000 *l.*?—Yes.

419. What is the amount of the salaries, taking them as a whole, in the North Riding over which the magistrates are supposed to have some jurisdiction; it is about one-seventh is it not?—The whole amount of the salaries is 3,116 *l.*, and if you deduct the salary of the clerk of the peace from that, they would have a control over about 2,300 *l.*

420. And the salary of the clerk of the peace, as I understand, is regulated by Act of Parliament?—Yes.

421. Then the whole expenditure, with the exception of 3,000 *l.*, is under statute, over which the magistrates have no jurisdiction, but they must carry it out according to the Act of Parliament?—I think so.

422. Did I correctly understand you to say that those roads which the county now hold in the North Riding, approaching bridges are repaired at an enormously excessive cost?—Yes; and it is hardly possible to be otherwise, because there are 148 bridges, of course, in 148 different places in the Riding, and it is like a man farming 148 acres of land, half an acre in one place, and half an acre in another place; you cannot manage it in the same way as you could farms that lie compact together; that accounts for the large expenditure.

423. When you formed a highway board composed of the ratepayers of the district, they were asked to take those roads to repair them; in some cases they refused to do so?—They took care to ascertain, by the published accounts, what the cost of those roads had been in the year before, and they then offered to do them at the same price.

424. The effect of that really would be, would it not, that those ratepayers who formed themselves into a highway board in that particular locality, preferred that the roads should be repaired as heretofore, at an enormous cost, rather than take to them when they were in their own district, and repair them at the same rate as their other roads are repaired at?—That is the practical effect of it.

425. Mr. *Kendall.*] It is all done under contract, is it not?—Yes; and the bridgemaster is almost at the mercy of the person with whom he contracts.

426. I suppose the highway boards in the district think that if they can get any money out of the county, the better it will be for them?—Yes, I suppose they do.

427. Mr. *Wyld.*] As I understand you, they have offered to take the roads at what they have hitherto cost?—They have offered to take them at what the Riding had previously paid for them.

428. You stated that the only complaints which have been made have been made by the Chamber of Agriculture. Have you had no complaints at all from the ratepayers and tenant farmers, and no wish on their part to interfere with the expenditure of the rates in the North Riding?—I have never heard that expression in the North Riding. We have had complaints from different townships. There are 554 townships in the North Riding, and we have had complaints from one township, saying that they are unequally assessed to the county rate in comparison with their neighbours, and we have listened to that complaint; but we have a standing county-rate committee, who are constantly regulating these matters, and who listen to every complaint of that kind.

429. Have you heard no wish expressed on the part of the ratepayers to be represented at the board, and to have a share in controlling the expenditure of the county rate?—No such application has ever come before the court of quarter sessions.

430. I mean as a matter of public rumour or report?—Yes, recently, within the last two or three years, by the Chamber of Agriculture; but it is a mistake to suppose that the justices can vote a sum of money for any purpose which they think fit.

431. I am asking you as to the feeling amongst the ratepayers, and as to their wish to be admitted to

some control over the expenditure of the
unty rates?—I think it arises from this feeling:
great number of ratepayers in the agricultural
istricts think that the justices in quarter sessions
an vote money for any purpose they choose.
hat is as great a fallacy as can possibly be.
he justices can only vote money according as
e Act of Parliament directs them.

432. Is it not a natural feeling on the part of
e ratepayers, that where there is taxation there
ould be representation?—Yes; but with all
ue respect, the taxation is done here, where
e ratepayers are represented. The justices
e merely the instruments of the Legis-
ture in levying taxes which the Legislature has
efore imposed.

433. Are there no items of expenditure in the
unty of York, over which the justices have
ntrol?—Yes, the salaries of gaoler, and such
ke. I think at the outside it would be 2,500 *l.*
year which they can control.

434. All the rest is compulsory expenditure?
-Practically so. I call the police expenditure
ractically compulsory upon the justices; because
they do not keep the police force efficient, the
ome Secretary will refuse his certificate for
lowance to the county.

435. Is it your opinion that any saving could
effected by any new machinery?—On the
ntrary; I am of opinion that the expenditure
ould be increased by the establishment of a
unty financial board, because they must have
staff of officers, which we have not at present,
d do not want, who must be paid; and I think
u will find that if county financial boards were
pointed, there would be the strongest force in
e observation of the noble lord who was first
amined, that the elected members would never
tend the board, they would be too distant. In
me places in my own county they would reside
a distance of 50 miles from the county town.
live myself at a distance of 25 miles from the
unty town, and go there always once, and some-
mes twice, a week; each time at a cost of 12 *s.*
am certain that no tenant farmer would go to
at expenditure once a quarter, or even once a
ear.

436. Has your attention been directed to the
achinery proposed in the Bill before Parliament?
-Yes, I have read this Bill, and I think there
one clause worth all the rest put together, which
the clause compelling the county financial board
oposed to be established to appoint a paid
uditor.

437. You think that if an auditor were
pointed it might act beneficially upon the
xpenditure of the county rate?—Yes; our
stices have come to a determination since they
ve lost the services of the gentleman who has
en the chairman of the finance committee, to
point a paid auditor, and they are now seeking
r a proper person to appoint.

438. Does not the necessity of the employment
an auditor, somewhat imply that there might
ve been some additional control over the
xpenditure in past times?—No; it is because
ere has been the most efficient control for the
st 10 years, which is now likely to cease, that
e want a paid auditor.

439. Your observation only applies to the
ture, and to the last few years?—To the last
ree months. I should like to say that in the
orth Riding of Yorkshire every large ratepayer
any consequence, unless he is a tenant farmer alone and nothing else, is in the commission of the peace. We have a large attendance of justices on every occasion. On the occasion when the Highway Act was adopted in the Riding, there were upwards of 100 justices at the court of quarter sessions, and there was a very keen debate between the justices, and a division took place, in which they voted 63 to 30 upon the question of adopting the Highway Act.

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440. Then is it your opinion that the justices in the commission of the peace of the county of York represent the property to a very great extent of that Riding?—Yes, they do; and not only that, but many of the justices are the largest ratepayers in the Riding.

441. Do you mean, taking them altogether in the aggregate?—The requisitions to the clerk of the peace upon the question of the Highway Act was signed by 12 justices, and I do not hesitate to say that amongst those 12 justices are the largest ratepayers in the Riding, as individual ratepayers and as occupiers of property; and not only as occupiers, but if you look at the question of ownership, there are some of them who are the largest landowners in the Riding.

442. Then I understand you to say that the magistrates in the commission of the peace represent in rating value the largest proportion of the property in the North Riding?—I think that several of the justices are the largest ratepayers in the Riding

443. Mr. *Heneage.*] Why do you think they would require a separate staff for a financial board, any more than they do for the present finance committee?—They must have a clerk; the Bill says that they are to appoint one.

444. Why is it necessary that a financial board should have a staff any more than at present an ordinary financial committee have?—They must have a clerk, I apprehend.

445. So have the finance committee, have they not?—Yes, but to the clerk of a finance committee something like 25 *l.* or 30 *l.* is a proper compensation; but if there is to be a clerk for the financial board for the county, you would not get a clerk for that remuneration.

446. If the financial board is to do the duty of the finance committee, would not the pay for the one officer be the same as for the other?—No.

447. Why not?—I think it is not so by the Bill.

448. But taking the financial board irrespective of the Bill, if one-half of the finance board are ratepayers instead of as at present, all being magistrates, what difference will there be in the staff required?—That will depend upon what they have to do.

449. They will have to do the same work, will they not?—I do not see that quite; as to the work which they have to do, I am only conversant with the work which I see proposed by this Bill; I do not know what other proposition may be before the Committee.

450. I mean the ordinary work of a finance committee; if half of them were ratepayers, why would they require a larger staff than they do now when they are all magistrates?—If their duties are limited to the duties of the present finance committee, they will require no other staff; and if that is to be the intention, I do not see what the object of the change is to be.

451. Lord *Henley.*] Was there much opposition on the part of the ratepayers to adopting the Highway Act?—Very great.

452. Had

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452. Had they any means of making their feelings known upon the subject?—They petitioned the court of quarter session.

453. In the 11,944 *l.*, which you put down as the expenditure upon the police, have you deducted the Government allowance?—No.

454. Something like a fourth would be allowed by the Government, would it not?—Yes; and after deducting that, the expenditure is some 9,000 *l.* odd.

HENRY SEWELL STOKES, Esq., called in; and Examined.

H. S. Stokes, Esq.

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455. *Chairman.*] WHAT office do you hold?—I am clerk of the peace for the county of Cornwall.

456. How long have you held that office?—Three years and a few months, since February 1865.

457. In that time have you acquired a familiar insight with the finances of the county?—Yes, pretty much so. I also attended sessions for 30 years previously, so that I have had a long experience.

458. Can you state what is the amount of property rated in the county?—At present the total value of property included in the county basis is 914,400 *l.* The justices are making a new basis which will increase the assessable property to something over a million.

459. What is the amount per annum raised for county purposes?—Our average rates now, for police and county rate, are about 6 *d.* in the pound; formerly they were less.

460. What are the chief items of that amount?—In the accounts for the years 1865, 1866, and 1867, the disbursements for county purposes range from about 26,000 *l.* to over 30,000 *l.* per annum; of which amounts considerable sums are repaid by the treasury for police and criminals.

461. That includes all expenses?—Yes.

462. Can you give us the expenditure for the police?—The cost of the police for the past year was under 14,000 *l.* It fluctuates, but it is about that amount.

463. Can you give me the amount of the salaries?—900 *l.* to the clerk of the peace, who has to provide county offices and clerks, and to pay the clerk of the indictments and other disbursements, which amount altogether to upwards of 200 *l.* The county treasurer receives 60 *l.* a year, and he is, I should say, also a banker, and has any advantage which may accrue from the deposit of monies from time to time in his hands.

464. Does he give security?—Yes.

465. To what amount?—I can hardly state, but I think it is 2,000 *l.*

466. What is the salary of the gaoler?—The governor is now to receive 400 *l.* per annum, his salary having until recently been 300 *l.* per annum.

467. Can you state the average number of prisoners under his charge?—About 120. I would observe that the gaol is managed, as is usual in all counties, except where the gaols are regulated by a special Act of Parliament, by a committee of justices appointed annually, who visit and inspect the condition of the gaol, examine the accounts, and order the contracts which are to be made for supplies of food, and so on; they do all that, subject ultimately to approval by the court of quarter sessions; but the gaol itself is regulated under the Prisons Act, 1867, by rules that have been made by the Secretary of State, which are obligatory upon the justices, and upon the governor. So that all that the visiting justices of the gaol really have to do is to see to the condition of the gaol, and that the officers are performing their duties efficiently, to audit the accounts from time to time, and order the contracts for supplies. But the diet itself, and the clothing, and every other matter connected with the gaol, are regulated absolutely by rules which have been made by the Secretary of State, or approved by him. But there are some other details: there are debtors in our gaols; and as that subject has not been referred to by the other witnesses, I will call the attention of the Committee to it. Among the charges on the county in connection with the gaol, there are charges for prisoners in the sheriff's ward, and charges also for prisoners committed by the county courts; and these items are becoming a rather serious charge on the county. The diet of the county court debtors, as well as of those in the sheriff's ward, is regulated by the Secretary of State. At present there are five county court debtors; last year, to Michaelmas, there were 118 male and 39 female debtors in the prison, chiefly under county court process. The average number of county court debtors per diem maintained in the gaol is seven, and the cost of them is about 2 *s.* 6 *d.* each per week. Of criminals at present in the gaol there are 72 males and 19 females, who are all employed in labour of one sort or another, the treadmill, picking oakum, and so on, and producing some slight advantage to the county by their labour. The new treadwheel has entailed a very heavy expense on the county, having been put up within the last two years by order of the Secretary of State, at a cost exceeding 1,800 *l.*, in lieu of the old treadwheel, which was, by an order of the same authority, taken down some years ago. The new gaol has also been a very considerable cause of expense to the county, and has greatly increased our rates, the county having been obliged to borrow largely to erect it. The gaol was built by the sanction, or the order I might say, of the then Secretary of State, the plans having been first submitted to the Secretary of State, and the gaol having been erected in accordance with those plans, at a cost of about 40,000 *l.*

468. Did you raise that amount by loan?—Yes, principally.

469. How much of that is unpaid?—I cannot state precisely how much. I believe about 30,700 *l.* The increase of the governor's salary has occasioned much discontent in our county. The present governor has been governor about seven years, and the increase of his salary from 300 *l.* to 400 *l.* has excited a good deal of feeling in the county, and much commotion, and memorials on the subject have been sent to the quarter sessions from the several boards of guardians; but I should state that the previous governor's salary was the same amount as this gentleman's salary has now been raised to, namely, 400 *l.* a year. The justices thought that in consequence of his having been deprived, by statute, of various fees in the sheriff's ward, and in consideration of his long experience and his increased

ased duties, his salary should be so increased.
addition to the duties which he before per-
med, the governor of the county gaol now has
rge of the prisoners from Falmouth, Helston,
Penzance, the gaols of those towns having
n recently abolished.

470. Have you had many complaints in Corn-
ll with regard to the county expenditure ?—
ere has been much agitation in the county
out it recently; in consequence, as I say, of the
rease of the governor's salary, and also on ac-
nt of the heavy outlay in erecting police sta-
ns, and of the cost of new buildings at the
lum, and the bringing the requisite supply of
ter to that establishment. But all this ex-
nditure has been carried out with the direct
ent, or by the direction rather of the Lunacy
mmissioners, as far as the asylum was con-
ned, and of the Home Office, as respects the
ice stations.

471. The whole expenses comes to 6 *d.* in the
und upon the county rate ?—Yes; the total
rge comes to about 6 *d.* in the pound, which
kes 2 *l.* 10 *s.* per cent.

472. Is that an increase upon the average of the
t 10 years ?—Yes; beginning with the period
en the police were first established, which
s in the year 1857. The rates at that time
re $3\frac{18}{32}$ *d.* in the pound, and in 1858 they were
$\frac{0}{2}$ *d.* I should explain that the gradually aug-
nting increase since that year has been caused
the new buildings required for various pur-
ses. In 1859 the rates had grown to $5\frac{3}{32}$ *d.*;
1860 to $6\frac{12}{32}$ *d.*; in 1861 to $6\frac{9}{32}$ *d.*; in 1862 $6\frac{2}{32}$ *d.*;
1863 $4\frac{30}{32}$ *d.*; in 1864 $4\frac{30}{32}$ *d.*; in 1865 $5\frac{6}{32}$ *d.*;
1866 $5\frac{17}{32}$ *d.*, and in 1867 $6\frac{28}{32}$ *d.* I think that
e rates will now decrease.

473. Have any of the other salaries been in-
eased in the meantime ?—The salaries of officials
the asylum have been increased by the com-
ttee of visitors, but not by the justices at
arter sessions; and there have been some
perannuations.

474. Have any of the expenses over which
e magistrates have direct control, been mate-
lly increased ?—None that I am aware of, ex-
pt the erection of police stations; and the new
ildings and water charge at the asylum.

475. As to the police stations, are they ordered
order of the Secretary of State ?—The county
agistrates might delay the building of those sta-
ns for a time, but when it has been decided
erect stations, they can be built only ac-
rding to plans which the Secretary of State
proves.

476. Then, I understood you to say that this
eat increase, from 3 *d.* in 1867 to 6 *d.* in 1868,
owing almost entirely to the buildings which
u have been called upon to erect, the lunatic
ylum, the gaols, and other things ?—Yes.

477. Are you quite certain that it has not
isen from any raising of the other salaries ?—
am not aware of any material increase of sala-
es. The treasurer's salary has been increased,
t not to a large amount, being only 60 *l.* per
num; and the salary of the clerk of the peace
as calculated when I was appointed, upon the
erage of previous years, and I had to under-
ke to perform additional duties as solicitor for
e county without any remuneration, and have
pay over fees on prosecutions, &c.

478. How many magistrates are there for the
unty of Cornwall ?—About 161.

479. That is the average attendance at quarter sessions ?—They attend in pretty large numbers the first day, when there is any great question. I think there would be sometimes from 40 to 50 present; the numbers fall off, of course, after the first day.

480. With regard to the financial arrangements of the county; is there any large proportion of those magistrates that take an active interest in them ?—Yes; they all do so, more or less; and many of them take much interest in them; and the finance committee is composed of persons particularly conversant with figures, and with business. The chairman of that committee is a banker, and not interested at all in the deposits; he is quite an independent person, and a person of great experience, and he scrutinises the accounts with extreme care.

481. Mr. *Kendall.*] Are you aware that when the plan of the county gaol was submitted to the Home Secretary, the committee tried to get it reduced ?—Yes.

482. And the Home Secretary refused to do so? —I believe so.

483. Do you know how many the gaol can contain now ?—I do not know how many the gaol will contain, but it could contain many more than it does now.

484. Are you aware that in consequence of the increased number of lunatics at the asylum, some of the salaries there have been increased ?—Yes, and I am aware that there has been great additional expenditure in affording accommodation. The pauper patients are constantly increasing. There are now 400 inmates, of whom a very large proportion are paupers.

485. *Chairman.*] Have any propositions been made to the magistrates with regard to financial boards ?—There has been no proposition communicated from the ratepayers at large to the chairman, or to the quarter sessions; but there has been a strong expression of opinion upon that subject by the boards of guardians, and by agricultural boards; and undoubtedly there is a strong feeling in the county in favour of financial boards.

486. Can you state to the Committee the nature of the feeling generally in the county; is it for direct representation, or for the election of some out of the magisterial body ?—Many of the ratepayers wish to have a number of ratepayers elected, as it were, to check the county magistrates.

487. Mr. *Wyld.*] Would they be satisfied with a board composed one-half of magistrates and one-half of ratepayers ?—I believe they would be content with that.

488. Mr. *Kendall.*] There is a very strong feeling in favour of finance boards throughout the whole country, is there not ?—Yes.

489. They feel very much aggrieved that they have no voice in the county expenditure ?—They so express themselves; but I consider that much of the agitation arose from misapprehension as to the powers of the justices at quarter sessions in county finance; and also because the county and police rates are believed to be much higher than they really are. The great burden is in the increase of poor rate and highway rate, with which the comparatively small amount of county and police rate is blended and collected.

490. Mr. *Scourfield.*] You heard what one of the other witnesses said about the expenses of the bridge

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bridge approaches; does your experience in Cornwall come to the same thing?—I believe that the approaches to the bridges are expensive.

491. Mr. *Kendall.*] Is there a general feeling in favour of the election of ratepayers from the different boards of guardians to meet the magistrates?—Yes; I think that they would be content with such a proposition as that which is contained in the Bill of the honourable Member for Bodmin; but I cannot for myself believe that any material advantage would be conferred upon the count by it.

492. Mr. *Heneage.*] Are the magistrates gen rally against it in Cornwall?—I cannot say th they are. I have not heard them generally e press any opinion on the scheme.

493. Mr. *Wyld.*] Do you find that that is th general feeling in Cornwall?—It is the feelin at present of many of the ratepayers.

Tuesday, 9*th June* 1868.

MEMBERS PRESENT:

Mr. Bruce.
Lord Edward Cavendish.
Mr. Dent.
Admiral Duncombe.
Mr. Heneage.
Lord Henley.
Mr. Henniker-Major.
Mr. Kavanagh.
Mr. Kendall.
Colonel Wilson Patten.
Mr. Read.
Mr. Scourfield.
Mr. Wyld.

COLONEL WILSON PATTEN, IN THE CHAIR.

The Reverend JOHN KING EAGLES, called in; and Examined.

Rev. *J. K. Eagles.*

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494. *Chairman.*] Do you reside in the county of Somerset?—Yes.

495. What position do you hold in the county?—I am the Incumbent of the living of Hillfarrance, near Taunton, in Somersetshire.

496. How long have you resided in the county?—Very nearly the whole of my life.

497. You have taken, have you not, a considerable interest in the management of the finances of the county of Somerset, as well as of several other counties?—I have.

498. Can you tell us what the amount of property rated to the county rates is in the county of Somerset?—It is a little over 2,000,000 *l.*

499. Do you recollect what the amount raised by rates is in any one year?—For the year ending Michaelmas, 1867, the rates amounted to 34,515 *l.* 8 *s.* 7½ *d.*

500. Do you recollect what is the rate in the pound in the county of Somerset?—It is about 4¼ *d.* or 4¾ *d.*; I am not at this moment prepared to say which, but I think it is 4¼ *d.*

501. Do you recollect what are the chief items for which the rate is raised, beginning with the most costly?—The police is the most costly. In examining the balance-sheets, which I have done carefully, of 15 counties, for the purpose of prosecuting the subject to the very bottom, I divide the balance-sheet into three parts; I take the general account, I take the police account, and I take the incidental account; such, for instance, as the cattle-plague account, that is a mere incidental account, and others similar to it, the militia accounts, and things of that sort.

502. What do you include in the general account?—I include in the general account, bridges, prisons, prosecutions, salaries, and things of that sort, and they are almost the same in every county.

503. Then in the police account there is nothing included but the police?—Nothing but the police. I think the police accounts are very nearly the same items always in every county.

504. What does the incidental account comprise?—The cattle plague, the militia, the lunatic asylum; in many counties the lunatic asylum does not appear at all in the annual balance-sheet, and even in the county treasurer's returns it does not always appear; it appears in some and not in others, and there are incidental expenses belonging to lunatic asylums which sometimes appear this year and may not appear again for two or three years; consequently I place them under the head of incidental expenditure.

505. We will first take the police; do you recollect what the rating in the county of Somerset is for the police?—I think it is something over 2 *d.* in the pound.

506. Do you recollect what the salary of the superintendent of police is?—He has 500 *l.* a year salary and 200 *l.* a year allowance, and a house that has cost the county, one way or another, in a most extraordinary way if it is looked into, no less than 5,000 *l.*

507. What does that allowance include?—I cannot say for certain what the allowance includes.

508. Does it include travelling expenses?—I suppose it does; it does not appear in any other way in the county balance-sheet than under the term of allowance. I believe, but I can only express my own belief, that it is intended to cover the necessary travelling expenses and the keep of a horse. I do not know that positively, for it does not appear upon the face of it.

509. Do you know how many constables the superintendent has under his command?—He has 285; that is to say, the whole force is 286, himself included.

510. In the police-rate, are the houses included which are provided for the police?—There are no houses provided for the police except for some few of the superintendents and the chief superintendent of all. At a few of the stations in the county there are lodgings, and so on, which the men have, and which appear in the balance-sheet as charged against them for a certain proportion of rent, but in some stations there are no lodgings provided.

511. Could you, under the circumstances, state what is the pay of the police constables, beginning with the common constables themselves?—We have in Somersetshire, I think, two classes of constables, one at 19 *s.* and the other at 21 *s.*

Rev. *J. K. Eagles.*

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a week; and then there are a certain number of superintendents, and, I think, one of them has 196 *l.* and one 186 *l.*, including allowances.

512. Is the allowance of 19 *s.* and so forth, that you have stated, the whole pay of the constable, or are there any allowances for lodgings?—There are no allowances for lodgings; they have their clothing, and they have to pay a certain amount for their boots.

513. All that is included in the amount to which you have alluded?—All that is included in the amount to which I have alluded.

514. Are there any other items connected with the police than those which you have mentioned?—I do not remember that there are at this moment; but our expenditure for postage and printing connected with the police in our county is outrageous, and really incredible.

515. Can you recollect the amount of that, and is it included in the police account or in the incidental account?—In the police account. The police account is perfectly separate in every respect. I would merely observe this, that the incidental account, such as the cattle plague, forms in our county balance-sheet, a distinct chapter, as it were, in itself. The incidental expenditure abstractedly from the cattle plague appears in the general account; such, for instance, as any applications for extra wants of the lunatic asylum, the militia barrack charges, and all those sort of things.

516. Upon the police account, have you any further information to give with regard to the expenses?—I presume that what I am going to say now would be within the range of your question. There is a great complaint in my county that we are over-superintended, and that that over-superintendence, as I can speak from my own knowledge, as compared with the adjoining county of Gloucester, makes a difference to our county alone of about 1,100 *l.* a-year in salaries.

517. How many superintendents have you?—We have 17 altogether.

518. That is, a superintendent to every 16 constables?—One to 15 14-17ths. There is another complaint also connected with that subject, and it is that every one of those superintendents is permitted the services of a police constable; consequently you abstract from the utility of the force 17 men at least, because, I believe, the chief constable has more than one.

519. Do you mean as private servants?—Yes; that is to say, they look after their horses and traps. I have taken immense pains in this matter, and have done so for four years, in order to ascertain the real state of things, being very anxious to do what was fair in the matter. To begin with, I was anxious to know what I ought to charge as the fair value of the services of those servants, as they were occasionally, of course, employed in extra times on behalf of the county, and I was told that if I charged them at 26 *l.* a year a-piece, that would be fair. I obtained that from a person perfectly competent to judge of it in every way, professionally and otherwise; and he stated that if I charged against each man the sum of 26 *l.*, in the county of Somerset, that would be a just and fair allowance for the services that they rendered to the superintendents to whom they are assigned.

520. What would be the next point connected with the police to which you would allude?—There is a little dissatisfaction with the mode in which our police accounts are given to the public. Until I took the subject up, the police accounts of the county of Somerset were put down in lump sums; for instance, all the police pay and emoluments, and so on, were put down as 17,790 *l.* – *s.* 10 *d.*; "pay, allowances, and contingent expenses of the force;" no account of the details was given at all, and it was very much similar with the general account.

521. What is the next heaviest item after the police?—Of course, the great item is the whole of our general account.

522. In that general account, which is the heaviest item?—The two gaols of the county, when one would be more than amply sufficient.

523. Where are your two gaols?—We have one gaol at Taunton, and another gaol about five miles from Wells, from the courts of assize. The courts of assize at Wells do not belong to the county of Somerset, but they are lent by the corporation of Wells, and the consequence of that is, that the county of Somerset is obliged to maintain a third little gaol at Wells, which is merely used at one period of the year, during the assizes in autumn.

524. How far are Wells and Taunton apart?—By the high road, I think about 30 miles.

525. Are the assizes held alternately, or at both places?—They are held always in the spring at Taunton, and always in the autumn at Wells.

526. Will you state what are the salaries of the governors of the two county gaols?—I think the salary of the governor of the gaol at Taunton is about 450 *l.* a year, and he has certain allowances made him in consequence of an alteration of the law with respect to debtors; I am not sure that his actual salary is more than 400 *l.* a year, but I think that, with those allowances to which I refer, his income is made up to about 461 *l.* 10 *s*

527. Has he a house?—He lives in the gaol.

528. That house is not included in the estimate?—No.

529. Has he any allowance for coals or anything else?—I do not know that; I can only speak of what I see in the balance-sheets rendered every year; there is no account of it in the minute details that are now given of both those gaols.

530. Can you state the salary of the gaoler at Shepton Mallett?—I said that the gaol was five miles from Wells, where the assizes are held, at a place called Shepton Mallett; the gaol at Shepton Mallett is a house of correction, and the salary of the gaoler is 298 *l.* 10*s.* a year.

531. Has he any allowances?—I am not sure whether he has allowances or not; they do not appear in the balance sheet.

532. Can you state about the average number of prisoners that are usually confined at those two gaols, Shepton Mallett and Wells?—In speaking of figures of this kind I did not know what questions would be put to me; if I had, I would have carefully taken them out; but speaking in a general way, I believe I am correct in this: I think I have stated myself, over and over again uncontradicted, that we have in the county 417 cells for an average of something under 200 prisoners.

533. When you say 200 prisoners, is that the average number continuously in the gaol, or is it the number committed?—The average number continuously in the gaol. The accounts of the county of Somerset were kept, with regard to the gaols, in such a curious fashion until very lately, that it was very difficult to ascertain those actual details;

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details; so much so, that our worthy chairman of quarter sessions, a gentleman, I have no doubt, well known to honourable Members, and who was for a long time a Member of this House, Sir William Miles, was extremely puzzled to know whether some 70 Middlesex prisoners whom we took in to fill up some of those 417 cells was a profit or a loss to the county, and he stated at the quarter sessions, in my hearing, that it was a loss of so much money; but when the accounts were looked into (and two or three magistrates of the county gave me an order to go to the gaol and overhaul the books), they turned out to be a profit of about nearly 600 *l.* a year, but that will show you the difficulty of getting at those particular things.

534. What other expenses are there connected with your gaols that fall upon the county rates?—The coroners' salaries in the county of Somerset are considerably higher than those of 16 other counties that I have looked at.

535. What are the salaries of the coroners?—I think they come to 1,651 *l.* 17 *s.* 4 *d.* a year.

536. Is that paid out of the county rate?—Yes.

537. Besides their fees?—I do not know about besides their fees, I think not; I think that that includes, now, the fees; by a recent alteration, I think the salaries now cover everything to them, except that they have certain travelling expenses or something of that kind allowed them. I am not sure that they have anything beyond the sum stated, viz., 1,651 *l.* 17 *s.* 4 *d.*

538. What becomes of the fees?—I suppose that they are paid over to somebody or other, probably to the clerk of the peace.

539. You cannot state whether they go to the account of the county?—No, I cannot.

540. Can you state the cost to the county of the county bridges?—Not exactly, but I can tell it you comparatively; I have it, but I have not got it at my fingers' ends. Last year it amounted to 1,433 *l.* 3 *s.* 3 *d.*

541. Have you a bridge-master, or a surveyor of bridges?—No; one of the magistrates comes down to the sessions, and says so much money is wanted for certain bridges, and that money is voted, but nobody looks after it at all, as it appears to me; I know that that is the case with certain bridges near me.

542. Could you furnish the Committee with the cost of the bridges in the county of Somerset?—£. 1,433 3 *s.* 3 *d.* last year.

543. Is a separate rate collected for the bridges and for the police?—No.

544. How is the rate collected; is it as a general rate upon the whole, or divided into separate rates?—There has been for many years a custom, and I am sorry to say that it is still continued, of asking at our sessions for, I think, a penny rate, whether it is wanted or not, as a general thing, and the consequence of that is, that we have at every quarter a balance of upwards of 10,000 *l.*

545. Where is that balance?—In the hands of the treasurer.

546. What is the salary of the treasurer?—The salary of the treasurer of the county of Somerset is more than double that of any other treasurer in England, with the exception of the four exceptional counties of Lancaster, Middlesex, the West Riding of Yorkshire, and Surrey, I think.

547. What is the amount of it?—He has 450 *l.* a year, and 80 *l.* a year for pens, ink, and paper, stamps, postage, &c., and those balances in his hands of 10,000 *l.* at the end of every quarter; since the balance sheet of the county of Somerset has been published, in consequence of my published animadversions upon the previous mode of proceeding, I have had an opportunity of seeing what the balances are at every quarter. They have exceeded 10,100 *l.* a year; last year they exceeded 10,600 *l.* at each quarter's average, but I will take the two years, and I think I am justified in saying that they would exceed 10,300 *l.* each year.

548. Does he give security?—I presume he does, for strange to say, the rates are paid to him personally, and not into any banking account.

549. Is he a banker?—I do not know whether he is a member of Messrs. Stuckey's Banking Company, but I believe he is a solicitor.

550. Have you any lunatic asylum in Somersetshire?—Yes, we have.

551. Do you recollect what the cost of that is in the year?—One would wish to speak most accurately upon a thing of that kind; I believe it is about 13,000 *l.* to 14,000 *l.* a year.

552 You have a superintendent of that establishment I presume?—Yes, we have.

553. Do you recollect his salary?—His salary is 600 *l.* a year, with apartments furnished, and perquisites besides. I will tell you how I get at the allowances. The other day at the sessions he applied to be relieved from his duties as having served just the 20 years prescribed by the Act of Parliament, and in framing his retiring salary under the specifications of that Act, taking the form in which it was to be decided according to what his gains were, it appeared that his perquisites and his salary were something about 850 *l.* a year.

554. Was his retiring salary calculated upon that?—The fact is, that I wrote upon this subject, and I think it has had a little effect upon the visiting committee, and they drew it rather milder than they intended; there was a certain letter that I published about it, and they gave him a retiring salary of 450 *l.* a year

555. What is his age?—I think he is not much over 50. I do not know that positively, but I understand so.

556. How many years had he held office?—Just 20. I think the Act says 15 or 20 years, and he has been 20. Of course, I naturally inquired about it, because it seemed to me that a man after being 20 years over a lunatic asylum would be able to give the county the benefit of something like matured experience without injury to himself; but, however, it appears otherwise to the magistrates, and his retiring salary is 450 *l.* a year.

557. Would you state that the lunatic asylum has cost the county 25,000 *l.* a year?—No; I mean to say that the expenditure of the county lunatic asylum is 14,000 *l.*; it does not cost the county that, because in the county of Somerset they do what I think they were hardly, perhaps, justified in doing. I believe it is a county pauper lunatic asylum; but we have had, until I wrote against them pretty strongly, an immense number of lunatics from other places, and this appeared to afford an opportunity of extending the lunatic asylum *ad infinitum.* There seemed to be no end to it, and not at all confined to the poor of the county; but we had an immense number, I think some 50, from a part of Wales, and

and a good many persons who were in a better situation in life, and who could afford, no doubt, to have gone to other places. I acknowledged, as I stated at the time to the chairman of the visiting committee, that probably public asylums are proper places for the insane; but if the Government requires a county pauper lunatic asylum to be maintained to a certain extent by the ratepayers of the county, because an enormous sum of money was voted to do this (I think it has cost us over 70,000 *l.* borrowed money, one way and another), I say that I think it ought to be confined to the specific object for which the Act was passed.

558. When you say that a sum of money has been borrowed, and that the rates of the county, I think you said, were 4¼ *d.* in the pound, is the interest of the borrowed money upon that capital paid for out of that 4¼ *d.* in the pound?—When I say that the lunatic asylum cost upwards of 70,000 *l.*, I think the sum of money borrowed was somewhere about 50,000 *l.*; but the balance is formed out of a fund which I think, I am not sure, because I have not carefully read it, is contemplated in the Act; namely, that where there is room, and where there are parties capable of paying, the extra pay should go to form a fund for the purpose of being laid out in the enlargement of the building.

559. But you do not recollect whether the interest upon the money borrowed was any portion of it included in the rate of 4¼ *d.* in the pound for the county rate?—No; it has been paid off. The very moment an Act of Parliament is passed which gives the county of Somerset an opportunity of running to a money-lender, they go into it pretty strongly directly, the consequence of which is that we have paid off an enormous sum of money, which sum of money is still being paid by other counties who are at the present moment charged with it, because they put off the evil day as long as they could.

560. Is the county of Somerset put to any expense with regard to the Highway Act?—No, I think not.

561. Is the Highway Act generally adopted in the county of Somerset?—Yes, throughout the county.

562. Has that caused any dissatisfaction?—I cannot say that it has caused any great dissatisfaction. In some parts of the county it seems to work very fairly, but in a great many other parts I think it does not. I am a member of the Highway Board myself in my own district, and I only know, of course, the details of that.

563. Are there any other items of expenditure in the county of Somerset which have attracted public attention, and against which there are complaints?—Yes; the printing is a matter of great complaint.

564. Do you recollect the amount of the printing charges?—The printing in our county for the police and the general accounts comes to a considerable sum, over 800 *l.* a-year.

565. How much of that is on police account, do you recollect?—Last year, printing and advertising, 121 *l.* 16 *s.* 9 *d.*

566. Is there any finance committee of the magistrates?—Yes, there is.

567. How is that appointed?—I am not sufficiently behind the scenes to know that.

568. It is not appointed publicly at the quarter sessions, is it?—I do not know. I never heard the finance committee appointed. All these kinds of things are done out of court; in fact, the county is administered out of court. The county of Somerset is administered by a number of small committees who do the whole of their business outside the court, and they come into court as a mere matter of form.

569. The appointment of those committees, I presume, takes place in court?—No; because if they did I should hear of them.

570. Is there no quarter sessions at which the general business of the county is brought forward?—Yes; at every session the course pursued is this: the finance committee meet on the Monday, at 12 o'clock, for the purpose of auditing the county books and so on.

571. I want, first of all, to get from you the mode in which those committees are appointed by the magistrates. I understand you to say that the public have no knowledge whatever of the mode in which the committees, to which you have just alluded, are appointed?—No, none. I have attended for a very considerable time now, for three or four years for that very purpose, being there from the beginning to the end, and I have never seen a committee appointed. I have seen somebody get up in the court and say, "Mr. So-and-so has left the county, or has gone abroad," and then "Add Mr. So-and-so's name to the committee."

572. That is done in open court by the magistrates?—Yes.

573. Did you ever see any difference of opinion upon the appointment of a member of any of those committees?—No, I never saw any difference of opinion in the courts at all. It is the custom, as it appears to me, in the county of Somerset that when a recommendation of the committee is laid before the court, it does not signify what it is, it is passed as a matter of course.

574. How many magistrates are there in the county?—I would not be sure, but I rather think that there are something over 400.

575. You say that you have been in the habit of attending the quarter sessions; can you give the Committee any idea of the average number of magistrates that are in the habit of attending the quarter sessions?—I should say from 80 to 100 at Taunton. I do not often go to Wells because it is out of my district.

576. Are those magistrates, from your knowledge of them, gentlemen who are amongst the principal ratepayers of the county?—Yes, I suppose they might be said to be so; I do not think that the majority of them are.

577. What should you say of the majority?—The properties in Somersetshire, in point of area, except in one or two hands, are very small comparatively speaking. The county of Somerset is very much subdivided in point of extent amongst the country gentlemen. The land is very rich and very highly rented; the properties are small, except in one or two cases. Lord Portman, who is much the largest landed proprietor, does not live in the county and takes no part in it.

578. Do you think that you have given to the Committee all the chief items of expenditure of the county of Somerset?—I think I have; there are two or three things that I could mention which would show how this expenditure is increased. I stated to the Committee just now that our printing bill was enormous, being between 800 *l.* and 900 *l.* a year, and there is one item of it, which I would mention, that will show the carelessness with which

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which this printing is managed. I presume that I may be allowed to show it by contrast with another county?

579. As soon as we had done with the county of Somerset, I was going to ask you, from your knowledge, and from the long time that you have taken an interest in the finance of other counties, to give the Committee a comparison of the expenses in Somersetshire with those in other counties?—I merely mention the fact, that for the printing of 400 copies of the register of voters of the two divisions of the county of Somerset, the annual charge is 318 *l.*, and I believe there has been that charge for a number of years.

580. Has the number of voters remained the same?—That I cannot pretend to say; I do not take sufficient interest in that question to know.

581. But you state to the Committee that you have paid attention to the finances of several other counties besides Somersetshire?—Yes; for the purpose of testing whether I am right or wrong in the view that I take of my own county.

582. Will you state whether the rates in Somersetshire are on the average higher than the rates of other counties to which you have paid attention?—Before I answer that question, perhaps you will permit me to say that with regard to the rates in the pound, whether as shown in the form of county balance sheets, or whether as shown in the county treasurer's return to Parliament, which is the most fallacious document that ever was put into anybody's hands, they do not really show any proof whatever of the expenditure of a county, and for this reason, that the rates in the pound must entirely depend upon the assessable valuation of a county. If you will be good enough to look at the last county treasurer's account which is before the Committee, you will understand what I mean; and the person who answered the letter which I wrote in my county, took up that view of it; and he stated this, you have no right to complain of the expenditure of the county of Somerset, because your rate in the pound of the county of Somerset is the same as the rate in the pound of the county of Devon; and I believe it is so stated in that paper which is before the Committee; and so ridiculous is that paper in that particular item, that if you take the assessment contained in the paper for the county of Devon, it will not produce the rate in the pound stated there.

583. The rate given in this paper for the county of Devon is 3 *d.* and a fraction, and in Somerset it is 4 *d.* and a fraction?—Then I am speaking of the return the year before; that is what it really is, but I will take it upon this gentleman's argument; it was so the year before. Supposing that you say that the rates in the pound of the county of Somerset are 4¼ *d.* in the pound, and supposing that you say that the rates in the pound of the county of Devon are 4¼ *d.* in the pound, if you take 4¼ *d.* in the pound on the valuation of the county of Devon it will produce a certain sum of money; I forget how much, but if you test the valuation of the county of Somerset by the same rate of 4¼ *d.* in the pound, it will produce a much larger sum of money, because the assessment of the county of Somerset exceeds the assessment of the county of Devon. Therefore you have that 4¼ *d.* in the pound rate producing a certain sum in the county of Somerset, and you have that 4¼ *d.* rate in the county of Devon producing a certain less sum. If you go into the counties themselves in another direction, just observe this: We will suppose that in round numbers you have 10,000 *l.* at the 4¼ *d.* rate in Somersetshire, and that you have 9,000 *l.*, we will say, in the county of Devon, under the respective valuations. The population of the county of Devon is about 45,000 more than the population of the county of Somersetshire, but with regard to the acreage of the county over which the sums are to be spread, the county of Devon is more than one-half as large again as the county of Somerset, the county of Somerset being about 1,000,050 acres, and the county of Devon being 1,700,000; it is more than half as large again. You see that with a larger population and an infinitely larger area, you have a less sum of money spent upon the county of Devon at 4¼ *d.* than you have upon the county of Somerset on the same rate; consequently I argue that the rates in the pound are no proof whatever.

584. Then, looking into the expenses of other counties besides Somersetshire, have you looked to those especial items to which you have just now alluded?—Yes, I have.

585. How do you pay your clerk of the peace? We pay our present clerk of the peace by a salary, in lieu of fees.

586. What is his salary?—£. 1,800 a year.

587. Has he anybody under him?—No; he finds for that, the assistant clerk, in the second court of quarter sessions.

588. But there is no allowance for any clerks made to him?—No; he is paid by salary.

589. Will you give us a comparison of the expense in Somersetshire for the clerk of the peace with that of other counties into which you have looked?—I will take the county of Hampshire. The county of Hampshire has rather a smaller population than the county of Somerset, but in point of area it is about 25,000 acres larger. About two years ago there was a committee appointed in the county of Hampshire, with Lord Eversley in the chair, for the purpose of inquiring into the payment of their clerk of the peace. That committee drew up a most elaborate report; it went into the salaries and a long average of the fees that were paid, and it put into a report a most accurate definition of all the duties that should be required from the future clerk of the peace, most minutely in every direction, requiring that he should act; or, if he did not act, that he should provide for the action of a solicitor, in examining title deeds or any other business which the county might have to do. But that committee recommended that he should be a barrister, and they made up his income thus: they found that the average of the fees of a number of years together would amount to 447 *l.* a year, and, in addition to that they gave him a salary of 440 *l.* a year; making his salary for the county of Hampshire, which is larger than Somersetshire, but a trifling smaller in point of population, and a most important county, as you are aware, now 887 *l.* a year, as clerk of the peace, with certain small allowances (I think certain travelling expenses or small allowances); and it all amounts, upon the average of the year, struck carefully in this report of Lord Eversley's committee, to 887 *l.*

590. Your clerk of the peace, I think, receives 1,800 *l.* a year?—Yes.

591. Was he clerk of the peace before the new arrangement was made in your county?—No; I think that when he first came in they arranged to do that.

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592. There was no arrangement with him with regard to previous fees; that is to say, his salary was not founded upon any previous fees that he had received?—As far as I know. Of course, I can only speak to what has been represented to me, because I could not know. I am not in the commission of the peace, and therefore I do not know; but I have had it explained to me in this way: the former clerk of the peace had an immense income out of the county, there is no doubt of that, and when he died, and a new clerk was appointed, the magistrates determined that they would do away with the system of fees.

593. It was an original vote on his appointment, not founded upon any previous receipts of his?—Upon no previous receipts of his.

594. What is the salary of the clerk of the peace in the next county into which you have looked?—The clerk of the peace of the county of Devon has a trifle over 1,100 *l.* a year, and I think the clerk of the peace of the county of Gloucester has the same, both counties being neighbouring to our own.

595. Taking the gaolors of those counties, do you know their salaries?—I cannot speak to them positively, but I think that the whole of the gaol expenses of the county of Devon are something between 4,000 *l.* and 5,000 *l.* a year; and ours last year, although, perhaps, that might be said to be an exceptional year, were something over 10,000 *l.*

596. Why was it an exceptional year?—The magistrates carried out to the very utmost extent, more than any other county in England, the provisions of the new Act.

597. You do not know how much of that was in consequence of a requisition from the Secretary of State?—No, I cannot say that.

598. Nor are you able to state to the Committee how much of that expenditure was under the direct control of the magistrates?—No, I cannot state that; but I think that our average gaol expenditure is something over 8,000 *l.* a year; that of the county of Devon being under 5,000 *l.* a year.

599. What is the expenditure of the police as compared with that of other counties?—As I stated just now, there are 286 police in Somersetshire, and there are 288 in the county of Gloucester; and, with regard to the superintendents in the county of Gloucestershire, there are 11 superintendents to 288; whereas, in Somersetshire, there are about 17 to 286; and that makes a difference, I think, of something about 1,100 *l.* a year; for the county of Somerset it is about 59 *l.* 3 *s.* 4 *d.* per man, and for the county of Devon about 53 *l.* 2 *s.* 2¼ *d.* per man; that is to say, dividing the whole police expenditure by the force employed.

600. Are you prepared to state to this Committee that, taking all the expenses falling upon the county rates in Somersetshire, they are heavier than the average of the counties into the finances of which you have made examination?—By far. Take for instance the county of Devon; our general account is about 24,000 *l.* a-year. The county of Devon, which I stated before is about half as large again and has a larger population, is about 14,000 *l.* in the general account; and that, or something very like it, would be found to be the average bearing of the two counties.

601. The population is not given in the return, but the valuation of the county of Devon appears to be 1,850,000 *l.*?—Yes, and ours is 2,201,000 *l.* I do not think that that assessment of the county of Devon which you have there is the new assessment. I think it would not be under the new regulation.

602. Will you now state to the Committee what portion of the system of management in the county of Somerset it is of which you complain?—I hardly know how to answer that question. I speak to the results, but I should say myself that I think that the finance committee appears to me to undertake duties for which no finance body is physically capable. I say that in order to really check and audit the accounts of the expenditure of the income of a county amounting to 56,000 *l.* a-year, it is not sufficient for gentlemen to meet at 12 o'clock in the day and disperse not very late. It is not perhaps the fault of the committee, but I do not think that it is possible for them to audit the accounts in such a way as to be a satisfactory check, and that the consequence of that is, that in the county of Somerset it falls very much into the hands of the official servants of the county. That is the general impression throughout the county.

603. Has any dissatisfaction been manifested publicly in the county of Somerset?—Yes, there has been.

604. By public meetings?—Yes, in the formation of chambers of agriculture; and they did me the honour of presenting me with a very handsome piece of plate; and there have been several manifestations of the appreciation of the trouble that I have taken in that way; but at public meetings connected with the Chamber of Agriculture there have been some very general expressions of dissatisfaction.

605. Has any scheme of management been proposed in the county?—No, there has not been. It is very difficult to do that. I have suggested two or three things to Sir William Miles. Indeed I had a letter from him this morning thanking me very much for some suggestions, and telling me that he approves of them.

606. In the publications which you have issued have you suggested any mode of managing the county finance?—No; I would not presume to do that. I do not think that that lays within my province. I merely criticised the present proceedings and drew attention to them, and particularly to the enormous balances which the finance committee held, in which Sir William Miles, I have reason to know, agrees with me.

607. But having paid so much attention to the subject, have you formed any opinion yourself as to what would be a better system than the present one. I understand that you recommend representative boards?—Of course, where there are large sums of money raised from the public to be expended, the public ought, as a constitutional thing, to have some sort of elected representative in connection with their disbursements.

608. What is the nature of the representation which you yourself would recommend as a better check upon the expenditure of the county than now exists?—It is very difficult indeed to hit upon any plan that would be satisfactory. Of course the idea originally of the English constitution was that the magistrates were elected by the freeholders in county court assembled, until the reign of Edward the Second, when it became the inalienable right of the Crown by usurpation in those days; but when the magistrates were elected by the people of course they were

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were supposed to be represented, but that is quite out of the question now. The only question is, how could we return to that old idea in the most feasible and practicable manner.

609. Of course it does not devolve upon us to inquire into that. Will you be so good as to tell us what you would suggest?—When you ask me what I would suggest, I doubt very much whether boards of guardians would answer. I do not think that elected representatives of boards of guardians confined to members of such boards would answer. I merely said that because it shows the direction in which the search should be made.

610. You made a complaint just now, did you not, that the financial arrangements of your county are conducted with closed doors?—I beg that I may be allowed to explain that. I say that the business is conducted by committees who sit with closed doors.

611. But do you think that it would give satisfaction to the county of Somerset, provided that all those things were done in public, and the public had a knowledge of the mode in which they were conducted?—No; I think the public now, not only in Somersetshire, but in other counties, entertain this feeling. I was at a large public meeting, at which I was invited, in Devonshire, and there the people were very much stronger in their views than the people in the county of Somerset even. They are for being represented by elected representatives, some how or other.

612. But you could not inform the Committee of the details of any scheme which you think would meet with the general approbation of the ratepayers?—No, I could not. I know that the subject is surrounded with considerable difficulty.

613. And you expect us to provide that scheme?—Yes, I expect you to provide it. I am afraid that unless the qualification was somewhat raised above what I have seen indicated, it would hardly do to send members of boards of guardians as representatives to the county financial board. They are not, generally speaking, men of sufficient education and intelligence to go into those sort of things; and, besides, it involves a considerable amount of expense, which I do not think would be met by that body of men.

614. I collect from your observations, that you think that any representative ratepayer must be an individual paying large rates himself?—Yes, or if even the large ratepayers themselves elected any body of a certain qualification, that might be a better plan.

615. Do you think that if the ratepayers of the county of Somerset had the power of choosing the magistrates, for instance, on the finance committee, that would give satisfaction?—That idea has struck me several times, because that is the reason why I venture to say what I did about the appointment of magistrates by the freeholders in county court assembled. It is a subject worthy of consideration. I think that great expense would devolve upon the members of the representative board. Of course it would cost a man something to go to Wells or to go to Taunton to attend to those things, and to go through all the accounts and the bearings of Acts of Parliament upon the expenditure, some things being charged to the county, some things being forced upon them at the point of the bayonet by the Secretary of State for the Home Department, and other things of that sort, and it is not like administering the Poor Law under the jurisdiction of a central board. This idea has struck me, but I have been so much more engaged in dissecting and analysing those 16 county balance-sheets, which is a very tedious trouble, that I have not gone into that part of the subject, and certainly it is not my province to recommend any plan.

616. Could you furnish this Committee with a detailed comparison of those 16 counties under the heads, which I have just now been questioning you, salaries, lunatic asylums, gaols, bridges, police, and coroners?—Yes.

617. And will you also give us the population of the counties to which you refer, the valuation of the counties, and the rate in the pound of those counties?—Yes, I have no doubt I can.

618. I presume that you can take it from correct data and from accounts that are correct?—Sir William Miles twitted me for not going by the public documents submitted to the House of Commons, the County Treasurers' Returns. I told Sir William Miles that I found myself, upon testing that document, that that document was not worth a farthing, and I waited until I could get the actual balance-sheets of every county, and I considered that if they were passed by the magistrates in quarter sessions assembled, and signed as examined, audited, and approved, I was perfectly justified in anything I could extract out of them.

619. Will you also state in your return how the return has been made?—I will do so. Would you allow me to say this, when we are speaking about the comparison of counties, that the best balance-sheet, though perhaps it is almost too much in detail, but it shows how it bears upon the expenditure, is that of the county of Norfolk. The county of Norfolk is one quarter larger than the county of Somerset, but there is a difference of about 10,000 *l.* a year in the expenditure of those two counties.

620. You stated, did you not, that you would object to representation by boards of guardians?—I do not object to election by board of guardians; but what I mean to say is this, that if it were contemplated that the average members of local boards of guardians were to be the representatives of the financial boards, although there would be every desire on their part to do their duty, I do not think that they would be up to the mark for the purpose.

621. Is it the custom in Somersetshire with respect to the boards of guardians to elect some of the principal gentlemen of the county to be the chairman of the board of guardians?—Universally, I think, almost. I know one or two boards of guardians in the county where a tenant farmer is the chairman, but as a general rule I certainly think it is as you suggest.

622. Admiral *Duncombe*.] I think you did not state what was the amount collected from the county rate each year in the county of Somerset?—I cannot quite positively state it.

623. Whether it is more or whether it is less, are you able to state of that amount how much is expended by Act of Parliament, and how much is in the power of the magistrates to expend?—I could tell it if I had my papers before me. I have had that taken out, but I will not venture to say the precise sum at this moment.

624. Do you think that the sum expended out of the county rate under statute is nearly seven-

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eighths of the whole amount collected?—No, nothing like that.

625. Can you state what it is?—No; I should not like to state the precise sum. I could get it all out to a farthing if I had my papers with me.

626. I think you stated, did you not, that you attended the quarter sessions at Wells?—No, I very seldom go to Wells; but I often attend the quarter sessions at Taunton, and I carefully read the shorthand reports of what goes on at Wells.

627. Do you attend there as one of the public?—Yes, as one of the public.

628. And also when the county business is transacted?—Yes, always; not otherwise.

629. Are not the whole of the financial accounts of the county passed in open court?—They are passed in this way. The chairman of the finance committee comes and says, "Your committee have looked over the county expenditure and they find the sum in the treasurer's hands to be so much, and the bills to be so much, and they recommend a rate of so much in the pound."

630. That is a statement in open court which must be verified in open court?—Yes, in that way there is such a statement, but as to the details of all the expenditure nothing of that appears; it is a general sum.

631. Is there not a finance committee?—There is a finance committee certainly.

632. When a vacancy occurs in the finance committee, is it filled up in open court?—It is filled up in open court.

633. Or in the police committee?—Yes.

634. Is not the chief constable's report read and passed in open court?—Yes; that is to say, a general report, but no detailed report; it is a mere general report.

635. With regard to those privates in the police force who are appropriated in part as servants to the superintendents, that is done, of course, under the cognisance of the chief constable and also of the police committee?—Yes, certainly.

636. Have you more superintendents than there are police stations with locks-up?—I do not know.

637. Do you know how many petty sessional divisions there are in the county of Somerset?—I forget.

638. Is it your impression that there are more superintendents than there are petty sessional divisions?—No, not more than the petty sessional divisions; the petty sessional divisions of the county must be very numerous.

639. Then you would not have a lock-up and a superintendent at each petty sessional division; are there more than 17 petty sessional divisions in the county?—I should think there must be; but what I go upon is this: for instance, if I may illustrate what I mean, there are Wiveliscombe and Willaton and Dunster, three small towns very near to each other, and those small towns, for instance Dunster and Willaton, I believe, are not above five or six miles apart. Wiveliscombe is a little bit further, and the population of the three is very small, comparatively speaking, and there is a superintendent at each town; whereas, in point of fact, in my opinion, one superintendent at the central one would be sufficient, with an intelligent serjeant at the other two. I know that in the county of Devon they are making a tremendous fuss about the number of their superintendents, and they have 336 police there and only 51 superintendents, whilst the area of that county to be watched by the police is considerably more than half as large again as Somersetshire.

640. Still that arrangement is sanctioned by the quarter sessions through the police committee and through the chief constable, who alone is answerable for the peace of the county?—Yes, certainly. I may state that the county of Stafford has a very large police force, and as the accounts of the county of Stafford are very curious, the population being so curious, the returns distinctly set out the agricultural population and an industrial population of some kind, and what is called the Black Country, the mining and manufacturing district. Those appear in different heads in the balance-sheet of Stafford. The county is a very small one, but owing to their being a peculiar population, in that way the police are very numerous, and yet they have only 14 superintendents and one inspector to a force of 441.

641. If the scheme which you have hinted at, towards the formation of financial boards, were to be matured and carried out, would it not add to the expenditure of the county?—I do not know to what the honourable Member alludes as my suggestion.

642. Supposing that you had elected ratepayers forming the financial board, either with or without a portion of the magistrates acting with them, would those men be expected to serve without any remuneration?—I do not know how they could get remuneration.

643. Do you think they would be willing to serve without any remuneration?—That I cannot say. I am against employing rural guardians of the poor for any such purpose, because I think that they are unable to undertake the duty.

644. My question did not allude to guardians of the poor. I meant gentlemen elected from the ratepayers to form a financial board. Could they be expected to give their time and attendance, and incur considerable travelling expenses, without any remuneration?—Do I understand you to mean, that supposing there was an elective representative board, the boards of guardians being the electors, there would be any difficulty in finding men of sufficient intelligence and means to serve at that board willingly without remuneration. If that is what you mean, I think not. I presume you do not mean that the elected persons should be members of the boards of guardians, but that they should be at liberty to choose any persons not in the commission of the peace.

645. That is exactly what I meant?—I think not.

646. Are there any establishments in the county that could supply the necessary clerks' offices, and so on, without any further expense to the county?—I do not see why there should be any additional expense in the way of clerks, or any machinery of that kind, necessary for an elective representative body that is not necessary for the present body, if it does its duty by the county.

647. You think that an elective board would cause no additional expense to the county?—I do not see why it should.

648. Mr. *Wyld.*] I understand you that you have given great attention to this matter, and you think that the expense of the police is in excess of what it ought to be in the county of Somerset?—I think it is.

649. And those accounts are not published?—They are published in the quarterly balance sheet.

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650. The details of them?—Not in sufficient detail, but they are greatly improved of late. About two years ago, until I began to poke at them particularly, they were published in a lump—for instance, the salaries and the whole thing were put down as expenses of the police and so on, 17,000 *l.*, or 18,000 *l.* a-year; no details given at all, and there are not sufficient details given now.

651. The accounts were rendered in gross?—They were. Now they are given in much more detail, but not, I think, in the detail with which they might and ought to be given.

652. The same observation applies to the gaols, if I understand you?—No; in consequence of my drawing the public attention of the county to it, the two gaols which were lumped together before, and no details given, were given in separate and most minute details by themselves, abstracted from the general account in the county quarterly abstract.

653. And the same observation would apply to the bridges and to the lunatic asylum?—Not to the bridges. The lunatic asylum, of course, only appears in the general account when it comes to the county to ask for money.

654. Do I correctly understand you to say that the amounts for the bridges are voted by the magistrates without any statement of accounts being submitted to the court?—They appear now in the quarterly balance sheet as so much money for the bridges in the lump; the details are not set out. I say that if they were put out in separate detail, any person who lived near a bridge upon which a certain sum of money was authorised to be expended, would have been able to know whether the money was so expended or not; but they appear in their quarterly balance sheets in a lump.

655. Can you tell me what audit takes place of the treasurer's account of your county?—The treasurer's account is audited by the committee of finance, which meets at 12 o'clock on the Monday preceding the sessions, which I believe universally commence on Tuesday; but to show that this auditing of accounts is not what it ought to be, I would beg to state, for instance, that there was 10 years' arrears of police rate due to our county stock from the borough of Glastonbury and the city of Wells; that must have passed through 40 audits, and probably would never have been heard of if it had not been poked up; and the city of Wells is now repaying it honourably by instalments, but the borough of Glastonbury snaps its fingers in our face and we have lost our money.

656. The conclusion which you draw from that is, that the accounts are very imperfectly kept?—No, I do not say that the accounts are very imperfectly kept, but I say that the audit is not satisfactory.

657. That the control is not sufficient?—I have had myself considerable experience in those matters; a man cannot go on for four years working very hard over 16 county balance sheets, without knowing the difficulty of dealing with those figures, and I say that from an accidental circumstance which originally turned my attention to the matter, having been determined not to be beaten, and having gone through them with all this care, I must know what the auditing of public accounts is in that way, and I say it is a matter of physical impossibility that any finance committee in a county can meet at 12 o'clock, and disperse at four or five, as the case may be and give us proof of such an audit as shall be, satisfactory to the ratepayers at large, and which is of much more consequence, operate as a check upon the official servants of the county.

658. Do you think that the appointment of a financial board, with all its duties exclusively financial, and separated from judicial, would be a benefit to your county, and prevent the inconveniences of which you are complaining?—I have no doubt of it.

659. You have been asked as to the election of a board: supposing a board were elected, half of magistrates, and half of gentlemen having certain qualifications in the county, would a board of that kind work well, do you think?—I think it would.

660. Supposing that the term of office was three years, one-third going out annually, would that meet your views of the constitution of a financial board?—I think that that would be a good thing, but I think that the members of that board, after three years' work, should be eligible for re-election, because, of course, the experience that they would acquire in a very dry and disagreeable office, would be of eminent use to the office in which they might be employed.

661. Supposing that in the county of Somerset the magistrates, as well as the landowners, or owners and occupiers with a certain qualification, were eligible, do you think that they would constitute a good financial board?—Yes; I should be very sorry to see the magistrates excluded. But even then, supposing you had a county financial board composed of magistrates, as the Bill lately before the House indicated, elected by the magistrates in quarter sessions assembled, and certain other persons with certain other qualifications added to them, it is impossible, unless some other scheme and mode of action be adopted than that of meeting on the Monday at 12 o'clock, and attempting to do a physical impossibility, that it would do any good. I think that there must be much more pains taken with the auditing; it must be put on some more business-like foundation.

662. Do you think that there is in the county of Somerset a necessity for the establishment of an independent county financial board?—I do, most decidedly.

663. I understand you that at the present moment you think that the management of the finance of the county is almost entirely in the hands of the official servants of the county?—I have said so publicly, and I firmly believe it; and I say that it is so, because I can show pretty good proofs of it.

664. Do the intelligent and thinking men in the county of Somerset approve of your suggestion of the appointment of a county financial board?—I think that there is a very strong feeling on the subject in the county of Somerset; and, strange to say, even still stronger in the county of Devon.

665. Mr. *Scourfield.*] You stated, that in your opinion the number of superintendents of police in Somerset were excessive. Do you know whether they were appointed after any representation by the Government inspector of police, or was it merely from the judgment of the magistrates without any representation?—I believe that the present administration of the police force was the whole and sole suggestion of the present chief constable.

666. They have not been increased in consequence of any representation by the Government inspector?—I have no reason to think anything of the sort; on the contrary, the impression upon my mind is this, of course, not being a magistrate, I cannot speak for certain about what passes in the committee, that when the police force was first set going in the county, our chief constable had *carte blanche* to draw up his own ideas, and they were acted upon for some time after that. He originally started with 20 superintendents but that was a little too bad, and they cut off two or three, but I am speaking merely of the impression upon my mind. I have read the inspector's reports about the police, and everything that I can get at which will enable me to come to a just conclusion, and the impression upon my mind is, that the Government inspector has not at all interfered or made any suggestion in that direction.

667. With regard to your proposed plan, I have hardly a question to ask you, because you have hardly suggested a definite plan, but do you think that there ought to be an elective body to constitute the financial board?—I think so.

668. For how long a period would you wish to see them elected?—To be of any use, I really think that three years would be a very fair time, and that they should be eligible for re-election. If the ratepayers are satisfied with their labour and attention to business, I do not see why they should not be re-elected.

669. You made a complaint that the existing body did not give a sufficient amount of attention in court to the inspection of the county accounts; would it be part of your proposal that they should not only form a plan for the elected members, but prescribe their duties before they were elected?—I do not say that I complain of any want of attention on the part of the finance committee; I am not justified in doing that, because I do not know what attention they pay; but what I do say is this, I say that they undertake a task for which they have not time; that it is a physical impossibility that any number of men can look into the complicated nature of county accounts, involving an income of 56,000 *l.* a year, and go as they ought to do into those accounts in the time which alone they have to give to that subject.

670. But supposing you were to elect this body, how could you insure their giving more time to the accounts than the present body?—As I said just now, it would not be sufficient to appoint a body of elective fiscal representatives unless some scheme of administration should be drawn up by which the want of time now can be remedied; by which, in short, better attention could be given to the subject.

671. How could that scheme of administration be enforced, supposing you were to draw it up?—If it was not enforced, (and it could only be enforced by public opinion), the ratepayers would have no right to complain; and the answer would be, that they would send other representatives to the financial board. If their representatives did not attend, and did not give the proper time to it, then they must choose other representatives. The representatives might say, the fact is, we are physically incapable, in the time appointed, of doing the work as it ought to be done; for it comes to that. I am perfectly certain that whether the board is constituted as it is at present, or whether it is a representative body, no body can from 12 o'clock until four or five in the day, give that scrutinising attention to the accounts that they really do require in order to be a check upon the servants of the county, because there is that tendency to throw them aside and let the official servants of the county do pretty much with the public funds as they like. I can give an instance of that. In my own county we purchased a house for the chief constable of Somersetshire; it was not I believe in a part of the town which he liked; and being a favourite with certain parties, I suppose, at the quarter sessions they determined to sell this house. They gave 2,000 *l.* for the house, and they sold it at an auction, and the materials of it, to pull down, realised 194 *l.* 3 *s.* 6 *d.* For two years that 194 *l.* 3 *s.* 6 *d.* lay in the pocket of the county surveyor; I kept on asking where the 194 *l.* was, but I got no answer for a long time. At last it got so hot that an account was obliged to be given. There was a house that cost 2,000 *l.*, and the sum of money returned to the county was 3 *s.* 6 *d.* balance out of the 194 *l.* 3 *s.* 6 *d.* The 194 *l.* never did appear exactly, but it turned out that it was laid out by the county surveyor, who had only an order from the court for 30 *l.* to be laid out, and it was laid out upon another new house that they purchased, for which they gave 1,361 *l.* They laid out this pretty large sum of money upon the new house, but for two years that 194 *l.* lay in the county surveyor's pocket, entirely unaccounted for to the county; and at the end of that time, out of the 2,000 *l.*, 3 *s.* 6 *d.* only appeared as the balance in favour of the county.

672. If the gentlemen who look after the county accounts at present do not give the amount of time which you think requisite, and consequently do not take the necessary amount of trouble, what adequate motive do you think there would be acting upon those elective boards who are to get nothing, but to give a great deal more time and trouble than the present bodies do?—They can have no other motive than a sense of public duty; but there would be this: that the ratepayers would have no cause of complaint; if their own elected representatives neglected their duty the ratepayers of course would be deprived of any cause of complaint.

673. Mr. *Kavanagh.*] From that answer are we to understand you to think that those financial boards should be appointed more as a means of satisfying the prejudices of the ratepayers than that they would actually do any good?—I do not know about the word "prejudices."

674. Perhaps that is not a proper word to use, but you understand what I mean?—I think that they would have some sort of interest in the mode of administering the money for which they are asked, and I think that would be satisfactory to them; I am of opinion that the administration would, at all events for some time, work very well; I think that some scheme would be invented concurrently with that, which would enable them in some way or other to give better attention to the business.

675. Do you think that the appointment of those financial boards would economise the management of the funds in the county of Somerset?—I think it would; I think they would keep the official servants in better check, and in other counties also.

676. From your own knowledge you think that

that you could get ratepayers who would give up their time and trouble to those difficult audits that you describe to us?—In the county of Somerset they would be able to do so almost as much as in any county, for this reason, that there is a large number of independent yeomen and gentlemen residing in the county. It is a very thickly-inhabited county in that way, and there are people who would give their time to it.

677. The great complaint of the ratepayers is that although they are paying taxes they are not represented?—That they are not represented although they are paying those things. Within the last three or four years there certainly has been a growing spirit of dissatisfaction amongst the ratepayers.

678. From what I understand of the financial system in England, the finance committees have no power of originating any expense?—They do originate expense, and that is the complaint. I think I stated to the Committee just now that the mode of proceeding is this. For instance, we will say that the lunatic asylum committee sits, and I will state what happened at our quarter sessions a short time since. The lunatic asylum committee put their heads together and come into court, and say, "We want to build a new lunatic asylum chapel." There is no intimation of that business upon the agenda paper, and the court have not the smallest idea that any such application is to be made. They come in and ask the court of quarter sessions to give them 3,000 *l.* to build an ornamental chapel for the lunatic asylum. I heard two or three gentlemen in court say, "Oh, oh, oh!" just like that; but it being considered a matter almost of etiquette, if I may use the term, that those recommendations of the committee should be passed as a rule, the court merely contenting themselves with uttering some few exclamations of surprise, that money was voted without the slightest hesitation, and there were no statistics asked in court as to whether it was necessary.

679. That was in the light of an extension or a repair of an existing establishment, but they have no power, have they, to originate any new expense?—Yes, that is just what the finance committee did; that was an entirely new expense originating with the lunatic committee. Of course they must pass it before the full court; they bring it into court, and ask the court to grant the money, and the court grant it as a matter of course. In our county it is always done so, because I spoke about it to several magistrates afterwards, and the very gentleman who brought it in said, it is a very right thing that the court should grant the money without any discussion upon it; it is an understood thing if the committee recommend the expenditure of a certain sum of money, that the court ought and always does as a rule grant it.

680. Do you look upon that one instance as an extravagance, and that having ratepayers upon the board would probably check it?—Most undoubtedly.

681. But in any other way than that, such as adding to the lunatic asylum, the finance committee have no power to originate any expense?—In any grant that they propose to the court they originate; for instance, the police committee will originate a new work, and they will come to the court and ask for money to carry it on, and the court will grant it. Virtually, the finance committee have the power of originating those expenses. The police committee sits, they want to spend a certain sum of money upon buildings, a new police barrack or anything of that sort, they determine to recommend it to the court, and practically it comes to this, that the court without discussion, as a matter of etiquette, do carry out their suggestions.

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682. You mentioned the county of Hampshire, do you consider that county better managed in a financial point of view than Somersetshire?—Generally speaking, I do. There are several things in that county which might be very much improved.

683. Is it not managed under the same system?—There are no two counties in England that are managed alike. In the sixteen counties that I analysed, their accounts are kept upon an entirely different system, every one of them.

684. But the system is really the same, is it not, that is to say, it is managed by a finance committee appointed by the board?—I cannot say that; I do not think that it is so in the county of Devonshire; in that county they fight over things most uncommonly, by which means I come to the conclusion, and in fact I have been told so by Devonshire magistrates, friends of mine, that it is very different in that respect. I do not think that they do manage things in that way.

685. You mentioned, did you not, that the treasurer's returns were not correct?—I mean as presented to the Government.

686. Surely the returns presented to the Government are the same as those that the county uses, are they not?—No, they do not agree with the county balance sheets. For instance, if the Chairman will do me the favour of looking at the accounts of the treasurer of the county of Southampton, to a casual observer it would seem that the treasurer of the county of Southampton has a salary of only 400 *l.* a-year, whereas his real salary is 887 *l.* Some of them make returns and some of them do not. In the last year's return to the Government the county of Devon does not return its gaols at all. The county of Southampton returns its lunatic asylum, but the county of Somerset does not; and in order to put the county of Devon and the county of Somerset upon a fair footing for comparison in that paper, you must make an allowance for the cattle plague which is included in the county of Devon, but I think is not included in the county of Somerset, or else it is the other way. At all events it is a useless paper for purposes of comparison or anything of that kind.

687. You mentioned the appointment of this finance committee, and you do not seem to think that it is all straight there?—Yes I do. I think that in everything of the sort connected with our county there is not a higher minded body of gentlemen in England than the magistrates of the county of Somerset. I think that they choose their finance committee really from motives of choosing men who are most active to do their duty. I merely complain of it as a system, and that the time given to them to do the work is expecting from them a physical impossibility. I know it is impossible for them to do it. I have gone through with great care 16 balance-sheets, with their details in every direction, and I know the time that it must take to do it.

688. Mr. *Kendall.*] As I understand from you, your general complaint is, that it is impossible from twelve to four to go through accounts embracing

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bracing as much as 56,000 *l.* a year?—Yes, I do think so; but let me be clearly understood, I cannot say but what they may not stay till five or six.

689. But have you not a gaol finance committee?—Yes, certainly.

690. Do not they set apart a certain day for their accounts?—I do not know that.

691. Have you not a police finance committee?—Yes.

692. And do not they devote a separate day for their accounts?—I do not believe that the police finance committee do, nor indeed do I believe that the gaol finance committee do so. From what I can make of it, the visiting magistrates at the gaol may, to a certain extent, overlook those accounts; but those accounts, when they are brought before the quarter sessions on the fiscal day, which is on Monday, are in a very crude state, to my knowledge.

693. But you cannot say that there is not a finance committee of the gaol, or a finance committee of the lunatic asylum, or a finance committee of the police?—I do not think that there is any finance committee of gaols; there is the visitors' committee.

694. But do you not know that the visitors' committee appoint certain parties to look through the whole of the finance accounts before they are submitted to the general court?—I should be very sorry to say that they did, and I should be equally sorry to say that they did not; because, as I tell you, there is that curious fact that the magistrates themselves, after three years' experience, were unable to state whether the Middlesex prisoners were a profit or a loss. I had an order to look through some of those gaol accounts, and I examined them very carefully, and I found that if they were passed by the vistors' committee as a finance body, leaving this point in uncertainty, that finance body is not of very great value.

695. Have you made inquiry into the counties further south, as to whether that kind of thing is done or not. Speaking of Cornwall, are you aware that there are certain days every quarter when the finance committee go through the whole of the accounts of the asylum, and so of the gaol, and so of the police?—I am unable to state anything with regard to that, because my knowledge of other counties is strictly confined to the analysis of their balance-sheets. I merely know by hearsay from the magistrates of the county of Cornwall, but beyond that I do not know. As I said before, the accounts, according to my experience of every county in England of which I have any knowledge, are kept on a totally distinct plan.

696. As far as Somerset goes, you would say that the whole of the work is done from 12 to five or six in the afternoon?—That is to the best of my belief; they may stay occasionally to seven or eight, but I do not believe they do.

697. You say that the lunatic asylum is a source of expense, and that you have been building a chapel; you have a great many lunatics from other parts of England not belonging to the county; has it been a matter of profit or not; do they charge the same for those lunatics as they charge for the lunatics belonging to their own county?—They charge a great deal more.

698. Do they not make a profit out of them?—But that profit is of no value to the county, because it is a temptation to extend the lunatic asylum far beyond the requirements of the county, supposing it to be limited to pauper patients.

699. It does not go to lessen the support of the patients?—Not a penny.

700. With regard to superannuation, 450 *l.* to the superintendent of the lunatic asylum, after 15 or 20 years' service appears to be a very large sum?—After 20 years.

701. Then, would he have two-thirds of his salary, according to the Act of Parliament?—I understand that if he had had the percentage upon his salary, as specified by the Act, it would have been something like 500 *l.* a year; but, in consequence of certain things being written and disturbances made, they gave him 450 *l.* a year.

702. He retired, did he not, full of vigour and full of experience?—I should say so.

703. How long ago was it?—That was done at the last spring sessions.

704. But then the sessions had a voice under the new Act of Parliament, had they not?—Yes, in this way: the visiting committee of the lunatic asylum have the sole appointment of the person, but they must get the sanction of the court for the retiring pension; and without the slightest intimation whatever upon the agenda paper that the superintendent of the lunatic asylum was about to retire, or that any money whatever was to be asked for at all, up jumps the chairman of the visitors' committee and says, "Dr. Boyd is going to retire, and I am instructed to ask you for a retiring pension of 450 *l.* a year."

705. And that was carried without any notice in the agenda paper?—Not the smallest in the world. I stated just now that a sum of 3,000 *l.* was asked for a chapel; in point of real fact, I suppose I should say 2,500 *l.*, because the court had 500 *l.* in hand at the time, belonging to the treasurer of the lunatic asylum, which is just the same thing to the county; and the remainder of this sum of 3,000 *l.* was asked for on a sudden, for the purpose of building this ornamental chapel with a spire; but when you come to look into the agenda paper, you see nothing whatever of this large sum of money which the county are asked for. It is simply this: "Report (if any) of lunatic asylum to be read and considered." I know that 9-10ths of the magistrates were not aware of it, and I know that the chairman of the quarter sessions himself seemed perfectly astonished and was not aware of it; but being a recommendation of the committee it passed as a matter of course.

706. Are the visitors appointed by the quarter sessions annually?—Yes.

707. Do they have entire power over the salaries while they are in office, and the entire power of appointment?—They have the absolute power of appointment. I do not know for certain, but the impression on my mind is that they must come to the court of quarter sessions to ask them to confirm the salaries. All of our salaries are higher than those in any other county; for instance, the salary of our medical superintendent of the asylum is 100 *l.* more than that of the same officer in the county of Devon, and they are all in the same proportion.

708. You have spoken about your printing, is it done by contract?—I do not think it is. We pay 380 *l.* a year for printing the register of voters in our county; that is a great deal, and I think nearly double what is paid by the county of

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of Devon and the county of Southampton put together, both counties being larger than Somersetshire, and the population being larger than ours.

709. In consequence of those very heavy charges and expenses there is a very strong feeling in favour of financial boards in Somersetshire?—Yes, I think there is.

710. Is it discussed much at your chambers of agriculture?—The chambers of agriculture in our county are only just beginning to crop up.

711. Have any of them discussed it?—Yes, certainly.

712. Have they suggested any idea as to how the ratepayers should be represented?—No, I have not heard any suggestion.

713. They only want to have a voice, but they do not know how to secure it in the best way?—The only thing I know is that there is a strong feeling in favour of being represented at the board which has the control of the expenditure.

714. We will assume, for a moment, that they are represented; will it not be necessary, in order that they should understand their work, that if they are represented, those representatives should be, some of them, upon the police committee, some of them on the gaol committee, and some on the asylum committee, in order to make them understand the working of the whole of those committees?—No, I do not know that. If a sufficient scheme could be invented by which they could have sufficient time to look into those accounts, I think that if the whole of the bills were put before them, and they had sufficient time to go through those bills, they could have the assistance of a professional auditor, and they could do the work very satisfactorily.

715. I do not mean as far as mere figures go, but do you think that they would be able to judge whether certain expenses would fairly or justly arise, unless they were sitting on a committee, the business of which committee was to inquire into those expenses and to arrange for them?—I think that they would be perfectly qualified to give every consideration to the suggestions of those committees, and that there is a great deal of extravagant expenditure which their own common sense would direct them to deal with.

716. Would not their own common sense enable them to deal much better with it if there were to be some of them present upon those committees?—No doubt that would give assistance, but then it would be very difficult to do it; because in order to do that you would have to limit the elected representatives to certain areas. For instance, take Taunton Gaol; you would require to have the elected representatives within easy reach to attend those committees. You cannot expect the representatives of that fiscal board, if they lived a good many miles away, to come and attend those committees.

717. Mr. *Henniker-Major.*] I think you said that you attend the quarter sessions regularly, or that you were there pretty often, at all events?—Yes; the quarter sessions that are held at Taunton, which is very near me, where the midsummer and the Epiphany sessions are held; the spring and autumn sessions being held at Wells. I scarcely ever go to Wells.

718. Are you acquainted with the way in which the business is carried on there?—Yes.

719. You say that from 80 to 100 magistrates generally attend quarter sessions, and no doubt you are aware that it is not, as a rule, supposed that it is advisable in such a large assembly to discuss every item of expenditure, and that that is the reason for committees being appointed?—Undoubtedly; in fact, they would not have time on Tuesday, giving the whole day to it, to go into the details of all those things.

720. You are aware that in most counties the police committee and the finance committee, and perhaps other committees, are open committees, that is to say, although there are a certain number of magistrates appointed to serve on them, all the magistrates may attend and look into the items of the account, and to find out anything that may arise with reference to them; is that the case in Somersetshire?—I presume it is.

721. Then you may rather presume that if the magistrates, in looking through the various accounts, should find that there is anything to object to they would bring it before the court of quarter sessions, and that if there is nothing to find fault with, it should pass by unnoticed; and if that is the case would you consider it satisfactory?—No, because there are many things omitted. For instance, I have stated to the Committee that with regard to a certain payment of arrears due to the county on the police account from the borough of Glastonbury and the city of Wells, it passed through 40 audits unquestioned, that is to say, for 10 years, four audits a year, without anybody making the smallest remark upon it; and the same thing, as I stated just now, about this 190 *l.* 3 *s.* 6 *d.*, nobody ever asked a question about it, and I say, unless public attention had been drawn to it by me, I do not suppose it would have been noticed. I do not mean to say that there is not an interest taken in these things, the magistrates are most anxious to do their duty. The chairman of the finance committee of the county of Somerset is a relative of mine; he is a man of considerable ability and intelligence, and I am sure that no man could be more anxious to do his duty by the public, but there are difficulties connected with the auditing of those accounts, and a man must take considerable pains and labour to find them out, and there is not time for that. Supposing a man goes into the finance committee, and there are those things which require looking into, who is to suggest them to him? how is he know anything about them? I venture to say that the finance committee did not know for 10 years that there was a halfpenny of arrears due from Glastonbury or Wells. The official servants of the county will not tell them of it, nor can I get out from them at this moment whose fault it was. Those things are constantly cropping up, and the finance committee do not have them put before them.

722. If the finance committee on looking carefully into the accounts brought before them cannot find out these things, can it be said that the fault lies with them?—I say that they do not.

723. You say that certain extra expenses were voted without any notice being given; is there not a rule in the county of Somerset, that any extra expenditure to be proposed is required to be given notice of by being put on the agenda paper, and that that agenda paper should be sent round to each magistrate some time before the quarter sessions?—The agenda paper is circulated amongst the magistrates a certain time before the quarter sessions, as a general rule of course. What

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the standing orders of the court are I cannot say; I merely know the facts as I see them. I know that the agenda paper contained no other reference to the matter than "The report, if any, of the lunatic asylum, to be read and considered;" and upon that, to the great astonishment, I will venture to say, of the chairman of the quarter sessions (I am perfectly convinced that he knew nothing about it), 3,000 *l.* is asked for this ornamental chapel, and voted in two minutes without a dissentient vote.

724. If there is any rule of that sort, although it is not to your knowledge, it is not adhered to?—If there is any rule of that sort, it certainly is not adhered to.

725. You said that the time between the hours of 12 and five is not sufficient to allow the magistrates to look properly into the accounts of a large revenue like that of the county of Somerset; how often do you think a financial board ought to meet?—It would be difficult to say; it would depend upon what scheme of auditing was suggested; I think that it would require a professional auditor, and that has been suggested by the chairman of the finance committee of the county of Somerset; but the difficulty which I suggested upon that was this, that if you appoint a professional auditor for the county of Somerset, it will not be long before he will settle down upon his lees as one of the county officials. There must be some mode of either choosing him annually, or some scheme or other by which it should be carefully guarded in that way.

726. With a county auditor you do not think that the finance committee need meet oftener than they do at present?—I think that with an auditor who is responsible to the county, if he overlooked such things as those things I have mentioned, he would catch it. Supposing that an auditor had investigated those accounts and had passed them, and if I or any other troublesome person had found out this 190 *l.* and all these arrears of 10 years, of course the auditor would have been looked up, and he would have suffered for it naturally. I think that a professional auditor would almost be an essential part of a representative board.

727. Mr. *Heneage.*] You say that you have referred to the management of other counties; have you referred to the management of Lancashire?—The county of Lancaster is an exceptional county, and I stated so, and I have not referred to it for that reason, because my labour would have been thrown away.

728. Are you of opinion that the excess of expenditure in Somersetshire on bridges, coroner, police superintendents, and other things, is entirely through want of management on the part of the magistrates?—For the want of a check.

729. You think that the expenditure might be a great deal less, with exactly the same efficiency, if it were better managed?—I come to that conclusion, seeing that it is in excess of other counties, I cannot help it.

730. Have you found any other counties equally badly managed?—The subject of bridges is a very difficult one, because you cannot check them very well in the county balance sheet.

731. In a general sense, have you found any county where the excess of expenditure is so notorious as what you have just now stated with regard to Somersetshire?—No. The expenditure is very large in the county of Chester, but I do not think that it is quite as bad as ours.

732. You have not a county auditor, I think you say?—No, we have not.

733. Do not you think that a county auditor would be a great advantage in a large county like Somersetshire?—I think it would, provided care was taken that he did not subside into one of the county officials.

734. If he was appointed from year to year, would not that be prevented?—I think that that is a necessary thing.

735. And would it not be desirable that he should be appointed by the finance committee as their own officer?—Yes, I think so.

736. You have 17 superintendents of police, have the magistrates ever tried to cut down the number of superintendents?—The original number was 20, and three were cut down, but for some years past they have not tried to do it.

737. Although there has been a great clamour about it in this county?—I do not know that you can say there has been a great clamour, because it is only lately that the county has been roused very much upon it.

738. Are the superintendents the inspectors of weights and measures?—Yes.

739. What pay do they get for that?—I calculated that it increased their pay something about 10 *l.* or 15 *l.*; it depends upon the districts. In some districts the inspectorships of weights and measures are worth more than they are in other districts, but I think that the highest is about 15 *l.*

740. As a rule, comparing it with other counties, have you found that very high?—I cannot say about that. The balance sheets of the counties are so very different. There are many of them that do not put down about the inspectors of weights and measures in the same way, so that you cannot take it out so as to be relied upon.

741. Have you no county surveyor with regard to the bridges?—Yes, certainly we have.

742. Why is the expenditure on the bridges so high, is he not responsible, does not he make a report?—Yes, he makes a report. If a sum of money is wanted for the repair of a certain bridge that money is granted, but I do not know whether he goes down to see it or not; I doubt if he does. Bridges are very difficult to deal with, for in some counties they have more bridges in proportion to the area of the county, and in some less. It is the most uncertain thing of any item in the county balance sheet.

743. However, you have come to the conclusion that a great deal of expense might be saved if they were properly looked after?—I will explain what I mean. I complain that in our county balance sheet the bridges are not specifically detailed, and I say that if they were specifically detailed and a certain sum of money were granted which ought to be laid out on a certain bridge, the people who live in the neighbourhood would be able to judge whether that money really was laid out upon the bridge or not. But at present they appear in our county accounts in the aggregate with no details specified at all.

744. You say, do you not, that the coroners' stipends are very large indeed?—No, I do not say that they are very large; I say that they are greatly in excess of almost any other county.

745. Is not that also the fault of the magistrates; are not the coroners' fees statutory if they choose to make them so; that is to say, could not they commute them to what they like?—I suppose so; I presume that the present salaries of

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of our coroners are arranged upon the average of their fees; but I only state the fact that of the 16 counties which I have taken, and of which I could give the details, ours are greatly in excess.

746. As regards financial boards, do not you think that if financial boards were to take the place of what are now finance committees, and to be partly elected by the guardians of the poor from the general ratepayers, and partly elected from the magistrates, that would be a board which would satisfy the ratepayers generally?—I think it would, even if it came in the end to the fact that the magistrates did the whole of the business after all.

747. Do not you imagine that in a great many cases the boards of guardians would themselves elect magistrates simply without reference to their being magistrates, but people who were actually magistrates?—That would depend upon the Bill which constituted the county financial board.

748. They might choose from any persons that they liked residing in the county, if that were the case, might they not?—Yes; but that would depend upon how the Bill was drawn. As the Bill was drawn which I have seen lately, the County Financial Board Bill, it did not provide, I think, that the magistrates should be elected except by themselves. I will not be sure about that; I think that the general ratepayers were to elect from the general body of the ratepayers, but not magistrates.

749. But the magistrates would be ratepayers, would they not?—I think it not unlikely that magistrates might be elected by the ratepayers as their representatives.

750. Supposing that one-half were magistrates, elected by themselves, and one-half elected by the guardians, could not they be constituted into sub-committees, each to take one subject, and would not that go a great way towards the efficiency of the auditing?—I presume that if such a board were in existence they would have power to deal with the subject as it thought fit, and if it appeared to the board that a subdivision into smaller committees would be an advantage, no doubt they could do so.

751. I ask you your own opinion?—I have not had experience myself in that way, but I should think it not improbable.

752. Those sub-committees might then report to the board, and the report of the financial board might be fairly discussed in open court?—Yes.

753. Is not what you complain of most in the county management of Somersetshire, that the magistrates consider it necessary when a report is made by committees with closed doors to adopt that report without a fair discussion in open court?—I believe that to be the practice. According to my experience that is decidedly the practice, and I have given instances of it.

754. Is that, in your experience, the practice in other counties?—I cannot say, because I have no knowledge of other counties. That is a sort of thing that one cannot very well get at.

755. Have you not reason to believe that it is so?—No; I have reason to believe that it is not so; and I instanced the county of Devon, with which I am better acquainted, because I know so many magistrates there.

756. Lord *Henley*.] May I ask what was your reason for first taking up the subject of county expenditure?—The county of Somerset is, as it were, divided into two parts, east and west, and there is a little jealousy between the two parts. We have two gaols, which are annually fought over. At the court of quarter sessions at midsummer 1864, some very strong representations were made by the visiting committee of the gaol, showing an enormous excess of cells over the average number of prisoners, and pointing out to the Court the great saving that would be effected by confining the county to one gaol and one establishment. Certain magistrates made some very strong observations upon that point in their speeches, and deprecated any discussion at all. These were the words used: a certain magistrate said that he deprecated any discussion at all, and he hoped that any discussion of this matter would be for ever swept away. That drew a little public attention to it; the speech was very much talked about, and certain persons said to me, "We wish you would first see what the sense of it really is;" and then I looked into it and took the subject up. That was the origin of it.

757. It was not on account of any complaint on the part of the ratepayers that this subject arose?—No, none at all; it arose in an accidental way. My attention was drawn to it, and, having been drawn to it, I was determined to go on with it.

758. When the Highway Act was proposed to be adopted, was there any opposition to it on the part of the ratepayers?—They had not time to get up any opposition. It was said in the county that there was rather a unanimous roads committee, and it was done before they knew what they were about. There was a strong feeling upon the subject, certainly, but they had no time to express an opinion, for the very instant the Act was passed, down it came.

759. Do you know what that Act costs the county in the way of salaries?—No; it has not cost the county anything in the way of salaries.

760. Do not you give a salary to the road surveyor?—Yes; but that does not come out of the county rates. The salaries of the whole administration of the highway board are taken out of special rates, and the salaries have nothing to do with the county finance.

761. Do you think that if the ratepayers had the power of electing representatives for the administration of the county rates, they would elect magistrates?—In some places I should not be at all surprised if they did.

762. You say that you have examined the Bill which has lately been brought into Parliament on this subject; do you not think that such county financial boards as that Bill proposes to erect would be constantly in collision with the court of quarter sessions?—I do not know why it should; the two objections that I see to the Bill are these: I do not like a permissive Bill; if the thing is worth doing at all, it ought to be done, and I think that the qualification is too low. I think that rural guardians, generally speaking, as the average goes, would not be competent members of a representative board of the county, and I think that it requires more knowledge; for instance, the county payments are made up of certain items which are under the jurisdiction of the magistrates, and of certain other items which are not, but are under the pressure of the Home Department, and other influences. All this creates considerable difficulty and trouble, which does not happen in the administration of the poor law under a central board:

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board; and all these things would require the consideration of persons of superior education and intelligence to the general run of rural guardians of the poor; I do not mean to say that there are not many most intelligent members of boards of guardians who are fully up to the mark; but, taking them as a general rule throughout the country, I think that it would require a very superior class of men for this purpose.

763-4. With regard to the present system of finance committees of the county, supposing that the committees met oftener, do you think that the accounts might be more efficiently and more satisfactorily audited?—I do not know whether I am to understand your Lordship to mean apart from any elective principle.

765. Entirely independent of that, and, going back to the present system, with reference to which you complain that the finance committee now only meet at the last moment, and for one single day; do you think that if the committee met once every three weeks or once a month, it might be more efficiently done?—Of course, if they gave more time to it, they could bring that time to bear more advantageously and efficiently; but the feeling about the county is so strong that, I think that the elective body possibly must be sooner or later. I think that that feeling is growing very rapidly throughout the country.

766. Mr. *Bruce.*] You were asked whether such a body as the finance committee could not meet once every three weeks, or oftener. Surely their meeting would be absolutely useless, except before the meeting of the quarter sessions, to examine into the expenditure during the preceding quarter, and to present their report to the assembled body at the sessions?—It would be unreasonable to expect country gentlemen to meet as often as that.

767. But, apart from that, surely they would not be doing that for which they were appointed; that is to say, a meeting of the finance committee is called at present, and the committee carefully make a report, stating what the expenditure had been, and what future expenditure is required?—I do not quite understand what the Right honourable Gentleman means.

768. The magistrates meet once every quarter, and, instead of themselves inquiring into all the accounts, they sometimes delegate a certain portion of their body to do it for them?—Yes.

769. And it is the duty of the finance committee to enquire into the expenditure during the preceding quarter?—Yes.

770. It is their duty carefully to inquire into it, and examine the vouchers, and also to make recommendations as to future expenditure?—Yes, certainly.

771. That is a duty which I presume could only be done advantageously once a quarter, whether it occupied one day or three or four days?—Yes, certainly, once a quarter only.

772. Therefore the introduction of meetings every three weeks or every month is not what would be required?—No, certainly not.

773. In your enquiries into other counties have you found that it is the practice that the finance committee should meet the day before the magistrates meet at the quarter sessions?—I am unable to state that, because I distinctly stated to the committee that my knowledge of other counties is confined to their balance-sheets merely. I have no means of knowing anything further.

774. Do you consider it a wise arrangement that the finance committee should only meet the day before the meeting of the general quarter sessions?—I cannot say that it is a wise thing to do, because it certainly is a failure.

775. But quite apart from the question of time does not it seem unreasonable that no time should be allowed for adjourning the meeting of the finance committee so as to make further enquiries, supposing they were not satisfied with the documents produced before them, or supposing they could not make up their minds upon particular matters of fact?—But they must be satisfied, of course, or they would express dissatisfaction; but my complaint is that they cannot possibly know all the things that they ought to know, because I have shown clearly that many things escaped their observation, and did not occur to them.

776. That is from want of a properly curious frame of mind on the part of the finance committee?—I do not think that it is a properly curious frame of mind on the part of the finance committee not to know what becomes of the money that remains in the pockets of certain county officials for two years.

777. I say that it is for want of a properly curious frame of mind on their part?—I do not know that. Certain men are set apart for certain business, to audit certain accounts, and to examine those accounts as they are set before them by the county officials; but the county officials do not present to the finance committee all that they ought to do, because if they did the finance committee would draw the attention of the court to any irregularity. For instance, when I have shown you for 10 years arrears were allowed to accumulate, passing through 40 audits without any question, I think you can easily appreciate the value of such audits.

778. Do not you think that experienced magistrates are just as likely to get out a statement of the facts from their officials as elected representatives?—I do not know how it is. I cannot pretend to account for it. I merely state the facts as they are, for which I pledge my word as to their truth.

779. Is it the practice in the county of Somerset that a sum like 3,000 *l.* for a chapel should be voted without any previous notice being given to the magistrates that such a sum is about to be required?—It was so in that instance; and when I spoke about it to the chairman of the visiting committee, he published a letter to this effect: that it was quite right that the court should adopt the recommendation of the committee without any discussion.

780. Is there no rule which requires that notice should be given when any expenditure is proposed to be imposed upon the county?—I stated just now I was not aware of the standing orders of the court of quarter sessions.

781. Have you not examined the standing orders of your own county?—No, I have not examined them; I do not know how to get at them.

782. Are they not contained in the annual report that is usually circulated to the magistrates?—I do not know of any reports of the finance committee circulated to the magistrates other than those that are sent, for instance, to the boards of guardians. There are three copies of the quarterly balance-sheets, and the annual balance-sheets, sent always to the boards of guardians, and then I see them; but I know of no other reports being circulated at all.

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783. I am not aware whether you have suggested any electoral body for the representatives of the ratepayers on the finance committee?—No, I have not suggested any, I have merely indicated the direction in which I think it should be, namely, to describe it as far as possible in the old style, *de potentioribus et probioribus.*

784. I presume the difficulty would not be so great to find fit men as to find a proper electoral body?—There is some difficulty in that.

785. Would you throw the election of those men upon the whole body of the ratepayers of that county, as you do in the case of coroners?—I said just now that I do not think it would be practicable now to return to that system, when the magistrates were chosen by the county freeholders.

786. I am speaking of the electoral body apart from the magistrates?—I suggested that we should adopt the definition that was adopted in choosing magistrates some centuries ago *de potentioribus et probioribus*, but I think that the elected ratepayers should be of a class which would come up to that, not in the commission of the peace. Of course it would be impossible in county court assembled to do that, but you might have a limited electoral body of the description, I have indicated.

787. Would you create an electoral body for that purpose, or would you avail yourself of any body that is already elected by the general ratepayers?—I think that the present body elected by the general ratepayers would answer all purposes.

788. And they are the guardians, are they not?—Yes, they are the guardians of the poor.

789. You will allow the guardians to elect, either from their own body or from the general body of the ratepayers, a fit and proper person to be their representative?—I do not see any objection to it; I beg to be understood that I am not pretending for one moment to suggest any scheme; but if you ask if I object to certain things upon the first blush of consideration, I do not see any objection to them.

790. Have you any doubt that the boards of guardians would elect a proper person to represent their portion of the county?—No, I have no doubt that they would.

791. Would they not, generally, take a pride in electing people of shrewdness and intelligence?—I think they would; I think that the very circumstance of their going there would necessitate that. There are certain expenses attending it; and there are many men who would think that it involved certain means of distinction, and take a pride in it themselves.

792. I think you said that you do not anticipate that there would be any collision between the members of this financial board and the general body of magistrates?—I do not see why there should be any.

793. Is it your opinion that their energies would generally be directed towards limiting the expenditure as much as practicable?—I think so.

794. You were asked whether a very large proportion of the expenditure of your county was not under statute, and therefore not to be escaped from by the magistrates; is it not the fact that that expenditure itself is susceptible of very considerable control; for instance, in the case of a lunatic asylum it may be obligatory on a county to provide a lunatic asylum, but whether they adopt an expensive plan or a cheap plan is a matter very much within the discretion of the magistrates?—I think it is; that is the business of the visiting committee.

795. Therefore an expenditure such as that 3,000 *l.* for an ornamental chapel, is a matter which depends a good deal upon the discretion of the magistrates?—Most undoubtedly; but what I complain of in that instance is this, that when it was asked for in court nobody asked a single question as to whether the statistics of the asylum showed that such a chapel of such a size was required. No question of this sort was asked: Have you so many in the house capable of attending Divine worship; so many belonging to the Church of England, or so many of this or that persuasion?

796. Does it not appear to you that the magistrates of Somersetshire must be a peculiarly compliant body?—It is not for me to say that.

797. Do you think that there are many counties in England where a proposal to spend 3,000 *l.* upon the chapel of a lunatic asylum would be passed at once upon the first notice, without any objection being raised or any notice of postponement?—I could only undertake to say this, that such a proposition in the assize court of Exeter would raise a most tremendous storm; beyond that I do not know.

798. Do you think that that is something altogether accidental in the position of Somersetshire?—I think it is. Certain counties get into certain old antiquated grooves of proceeding, and it is difficult to get them out of them; and that is the case with us. For a number of years a lax mode of administration has prevailed, and it is very difficult for the magistrates themselves to reform those kind of things; I put it down to that.

799. Have you been rebuilding in Somersetshire your lunatic asylum lately?—Our lunatic asylum was built on the passing of the Act.

800. How long ago was that?—About 1846 or 1847, I think it was.

801. I think you say that the county has only a small debt?—Only a small debt now; I think it is something about 15,000 *l.* or 16,000 *l.*

802. How did they contrive to pay for this lunatic asylum without incurring debt?—We did incur debt. The very moment the Lunatic Asylum Act passed we borrowed a large sum of money to build the asylum; consequently at that time we were paying off a large annual sum of money in instalments, which the county of Devon put off as long as ever it could, and always does. The consequence is that the county of Devon has a large debt still for the lunatic asylum, whereas our debt has been paid off; it is always paid off in 20 years.

803. Is it 20 years ago since you built your lunatic asylum?—Yes, about that time.

804. You mentioned just now a very curious case about the purchase and resale of the chief constable's house; did I understand you to say that the county gave 2,000 *l.* for the house and then resold it for 194 *l.*?—For 194 *l.* 3 *s.* 6 *d.*, they sold the materials.

805. Did they rebuild upon the same site?—No, they did not rebuild at all; they threw the site of the house and the gardens into the barrack-yard, which was perfectly unnecessary and ridiculous, because we have only, on the average, about five policemen in the barracks there.

806. That 2,000 *l.* was the cost of the site as well

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well as of the old materials which they sold for 194 *l.* ?—Yes.

807. You contrasted the cost of the gaols in Devonshire and Somersetshire advantageously, I think, to Devonshire; have you ascertained whether, in the case of Devonshire, there were not towns that might be supporting their own gaols?—In contrasting the balance-sheets of the counties, I always take out the boroughs, and the population of the boroughs of course; I merely include such expenses as come under the strict rule of county expenses under the administration of the county magistrates.

808. Mr. *Kendall.*] Are you not aware that all plans of additions and new buildings with regard to gaols, lunatic asylums, and police stations, must be submitted to the Home Office?—Yes.

809. And that the magistrates cannot go to any expense without the sanction and approval of the Home Office?—In building this new chapel I do not suppose that the plan was submitted to the Secretary of State, and that is part of the buildings of the lunatic asylum. I suppose the fact is, that when the Lunacy Commissioners' inspectors came round, those plans were submitted, and they put their initials to them.

810. Mr. *Bruce.*] But the criticism of the Home Office is directed rather to the fitness of a building for its particular purpose than to the cost?—I presume so.

Mr. JOHN SOULBY, called in; and Examined.

Mr. *J. Soulby.*

811. *Chairman.*] Do you live at Malton, in Yorkshire?—I do.

812. Do you hold any public position there?—Not unless you call the secretaryship of the North Riding Chamber of Agriculture a public position.

813. I believe that chamber has entertained the subject of financial boards?—We have gone rather largely into the matter. It has been entertained at the nine several branches of the association established in the various towns, and resolutions in each have been come to on the subject. In addition to that, Mr. Wyld's Bill was submitted to the council of the chamber, comprising representatives of the various branches, and they came also to an opinion upon the subject, and expressed it in a resolution.

814. Are you prepared to represent that body here, and to state what their views are?—I am.

815. Will you state, first, whether from your own knowledge there has been much dissatisfaction expressed in that part of Yorkshire with the present financial arrangements?—There has been a good deal of dissatisfaction that the ratepayers have no voice in the expenditure of the money; but I do not know that there has been any very great dissatisfaction with the general results of the expenditure.

816. Will you state any point that has attracted public attention?—The salary of the clerk of the peace. Mr. Lawrence Yeoman is the clerk of the peace in the North Riding of Yorkshire, and he receives a salary of 889 *l.* a year, but he does no part of the duty of his office himself; the whole of it is performed by the deputy clerk of the peace, to whom Mr. Yeoman pays 300 *l.* a year. He consequently has a sort of sinecure office of some 589 *l.*, and the ratepayers think it rather hard that they should have this to pay.

817. Is that a fact known from any certain source, or is it merely a report?—The clerk of the peace's salary is stated in the accounts.

818. Is the fact of the salary which he gives to his deputy known from any certain source?—I believe it is generally understood that it is 300 *l.* a year.

819. Are there any other items in the county management to which public attention has been called as being extravagant?—The chief constable's salary has been the cause of a great deal of complaint in the North Riding. At the time that the present chief constable was appointed, some few years ago, there was another applicant for the office who had been a superintendent of police, and who came extremely highly recommended from various quarters; and it was the general opinion of people outside the court of quarter sessions that he was the most fitting man to have the appointment, and he asked a salary of 250 *l.* a year. The salary at which the present chief constable was appointed was 300 *l.* a year, and after having been in office a few years he applied for 150 *l.* as an addition to his salary for travelling expenses, which brought his salary up altogether to 450 *l.* a year; and besides a year ago, as nearly as I can recollect, but some time last year, he again applied for an advance of 100 *l.* a year. People thought generally, and the Chamber of Agriculture thought that he was sufficiently highly paid already; but the magistrates were not of that opinion, with the exception of Sir William Gallwey, who proposed that the matter should be adjourned to that day six months, nobody in the court of quarter sessions supporting him. Another gentleman proposed that his salary should be advanced 50 *l.* a year only, making it up to a total of 500 *l.*; but the original motion for 550 *l.* was carried, and that is now his salary. That is one cause of complaint which the ratepayers of the North Riding of Yorkshire think they have.

820. Do you know how that salary is, as compared with similar salaries in other counties?—I do not: but I believe, as compared with the East Riding of Yorkshire, it is much higher.

821. What is the salary in the East Riding of Yorkshire?—I do not know; but the chairman of quarter sessions is sitting next to you, and probably he knows much better than I do.

822. Do you know how many constables he has under him?—I do not.

823. You do not know the comparative number of constables in the East Riding, and in the North Riding?—I do not, but I should think they are very similar.

824. Are there any other complaints against the present expenditure?—With reference to the bridges, we have expressed our views several times; we think that the care of the roads and bridges might very well, now that the Highway Act is in operation in the North Riding, be allotted to the highway boards, and save expense to the county in that way, by doing away with the office of bridgemaster. The county, of course, repaying the highway boards the amount expended.

825. Have complaints been made of the present

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sent expenditure on bridges?—Yes; complaints have been made of the present expenditure upon the bridge-roads, which cost something like 80 *l.* a mile.

826. Is that greater than the average of your roads?—Yes; the average cost of the roads in the North Riding of Yorkshire, under the old system, was 9 *l.* 10*s* 6*d.* per mile.

827. With regard to the police, have you any complaint to make?—With regard to the police, I do not know that any dissatisfaction exists amongst us.

828. In the chambers to which you have just alluded, which have taken these matters into consideration, has there been any investigation into the county expenditure?—Only into the principles of the county expenditure, and the non-representation of the ratepayers in the distribution of it.

829. There has been no detailed investigation?—No, there has been no detailed investigation to express any opinion upon the absolute figures, only upon those things which I have stated.

830. Then the opinion of this Chamber of Agriculture has been founded chiefly upon principle, and not upon the expense and extravagance of the county?—Quite so.

831. Have they formed any opinion as to the system of representation which they wish to be adopted?—The resolution originally presented to the Chamber of Agriculture by one of its members, was that the board should consist of elected members only, but on that coming before a general meeting of the association it was put on one side and referred to the council for consideration. An amendment was proposed, that it should consist of one ratepayer, elected by each board of guardians in the county, and that they should sit with the court of quarter sessions; but after being entertained that was rejected as being impracticable, and the resolution was passed finally in this form, that one ratepayer ought to be elected by each board of guardians to sit with an equal number of magistrates, to be elected by the court of quarter sessions.

832. Will you tell me who that council was composed of?—I do not know the names of the gentlemen, but there are 11 members of the Malton branch, three of the Thirsk branch, three or four of the York branch, a certain number of the Scarborough branch, and two of the Pickering branch.

833. Is the board itself composed of all classes of ratepayers?—It is composed of all classes of magistrates, gentlemen, and farmers.

834. Is it a large body?—I believe our board consists of 33. We appoint one member of the council for every 20 members of the association.

835. What is the association composed of?—The association is composed, more or less, of 1,000 members.

836. How is the council appointed?—The council is appointed by each branch at their ordinary meetings.

837. Should you say that the council is composed chiefly of the largest ratepayers?—Yes; undoubtedly the most intelligent and active men are always chosen to do the work, because the others, as a rule, will not do it.

838. How many does the council consist of?—I think it is 33, speaking from memory.

839. Are you a member of the council?—I am the secretary.

840. You are present, then, at all their meetings?—Yes.

841. Do you know personally all the members of the council?—Yes.

842. And from your own knowledge you say that they form the chief ratepayers of the district?—Yes, they do.

843. Was there any division of opinion upon the constitution of the proposed board?—A very slight difference of opinion. A resolution was submitted to the different branches for their detailed opinions, as well as the council's opinion; it was sent from the council to the branches for confirmation or rejection.

844. Was the subject of the expense of the finance boards entertained and discussed?—No.

845. It was not discussed whether a financial board, elected as you have now suggested, would necessarily be attended with any great expense?—No.

846. And you do not think that it would?—I do not think that it would.

847. It was not stated as the opinion of the council that elected members would be found to perform their duties without any remuneration?—It was always understood that members would be found to perform their duties without any remuneration, they would consider themselves a kind of county Parliament.

848. The question of Poor Law Board representation, you say, was entertained?—Yes.

849. And was rejected?—No, it was accepted that the Poor Law boards of guardians should appoint the members of the financial boards, but that they need not confine themselves to members of their own body in choosing members of the financial boards.

850. How did this movement arise; do you think it arose from any discontent in the district as to the public expenditure, or did it arise merely as a political principle?—I believe it arose principally in consequence of the Chamber of Agriculture having been established, and there being thus supplied an organisation for bringing forward any grievances that the public believe they have; but I do not know that it arose from any critical examination of the accounts. I believe it was from principle rather than from anything else.

851. Were you present when this scheme was proposed?—Yes, I was present; it was at the annual meeting.

852. Do you recollect in what way it was proposed?—It was proposed as a series of resolutions.

853. Was the proposal accompanied by a speech or an explanation?—I have the report of it here. The resolution that was proposed was, "That with the view of correcting an anomaly, this chamber considers that county financial boards ought to be established which should possess a controlling power over the expenditure of all monies raised for county purposes, that such financial boards should be composed of elected members only."

854. Did the gentleman who proposed that resolution accompany it by any reasoning or statement?—I noticed that he also proposed the previous resolution to that, "That the chamber, deeming it contrary to the spirit of the constitution that taxation should exist without representation, considers that the present mode of conducting the expenditure of the county and police rates is opposed to that just and equitable rule which prevails in all other cases where public money

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money is provided, either by taxation or rates." That is the first resolution, the other is the second one.

855. That is a resolution founded upon principle, but did he make any practical observations with regard to the present system of expenditure?—No, he did not; only with respect to the principle.

856. At that meeting were any complaints made as to the present expenditure?— There were not.

857. Do you think, then, that the opinion of this Board of Agriculture has been founded more upon a general principle than upon any practical grievance which existed in the district?—I believe that there were no complaints of any practical grievances, except that which I have mentioned with regard to the salaries.

858. Admiral *Duncombe.*] The adoption of the Highway Act in the North Riding gave very general dissatisfaction to the ratepayers, did it not?—It gave intense dissatisfaction.

859. Almost universally so?—Yes, and petitions were presented from almost every township against it.

860. And in a great measure this Chamber of Agriculture, of which Malton is the centre for the whole of the North Riding, was very much founded upon the very great dissatisfaction which was caused by the adoption of the Highway Act against the wishes of the ratepayers, was it not? —They took up the question very warmly.

861. Are you aware that since the adoption of the Act and the establishment of highway boards in different districts, the court of quarter sessions, through their officers, have offered, and desired, and wished, the different highway boards to take to the bridges and roads?—No, I was not aware of that.

862. But that they have refused, unless upon that enormously high cost, to which they had previously, from necessity almost, been subjecting the ratepayers to?—I was not aware of that.

863. Mr. *Wyld.*] Does the Chamber of Agriculture represent a very large body of influential ratepayers in the North Riding of Yorkshire?— It represents all the principal men in the North Riding.

864. Do I understand you that the feeling is almost universal in favour of a Bill for the establishment of county financial boards?—Unquestionably so, very strongly so.

865. Was the Bill that is now before Parliament discussed in the chamber?—It was, clause by clause; we went right through it.

866. Did they approve of the general principle of the Bill?—They approved of the principle upon which the financial board was founded, but they objected very much to its being of a permissive character.

867. But did the machinery of the Bill, as to the elected members of the board meet with their approval, or not?—It met with their approval, as far as the principle was concerned. They thought that the Bill was rather too long, and if it could be shortened it would be an improvement.

868. Do I understand that the principle of the Bill was approved?—Exactly; it was what we had previously decided as desirable.

869. As I understand you, there is a strong feeling in the North Riding of Yorkshire in the favour of the establishment of county financial boards?—A very strong one indeed.

870. Mr. *Scourfield.*] The principle of election which they approved was one by boards of guardians?—Yes.

871. Did any difficulty occur to those who suggested that, on the ground that it would be an annual election?—No; it was not supposed that it would be an annual election, but that it would be for three years, in the same way as town corporations do now; and it was also understood that, if the board of guardians chose, they were at liberty to elect a magistrate as an elective member of the financial board, so far as our view was concerned.

872. Mr. *Kavanagh.*] I think you said the two things which you had to complain of were the salaries of the clerk of the peace and of the chief constable?—Yes.

873. Have you any other complaints as to financial management, except those two things? —No, I do not know that we have; we do not come to make complaints against the details of the management, only against the principle of an irresponsible body managing the affairs of the county.

874. Are you aware what power this finance committee that manage the affairs of the county have?—I am aware that they have very considerable power in recommending superannuation allowances and salaries, and all that kind of thing. I expect, also, that they have very considerable power in the manner in which they comply with the requisitions of any Acts of Parliament which are passed. I expect that in lunatic asylums and gaols, and many of those matters, the Court of Quarter Sessions have gone probably very much beyond what the Home Secretary or the Act of Parliament actually require them to do.

875. You mean that they have a discretionary power in carrying out the Act of Parliament?— —Yes. They can do it expensively or economically.

876. Am I right in supposing that they have no power to originate any new work, but that that must be passed by Act of Parliament?—I do not know whether they have or not.

877. I think it is the House of Commons that regulates all that, is it not?—I cannot say; I am not aware whether it is so or not.

878. Mr. *Kendall.*] With regard to the election of the chief constable, I understood you that you thought it a grievance that some man, who was a competent man, was not elected, and who would have done the duty for a less price. How was that managed; was the salary fixed before the person was elected, or how?—I should suppose that the salary was fixed beforehand.

879. And did the person, understanding that, offer to come in at a less sum?—He did.

880. What class of man was he?—He was a man who had been for many years a superintendent of police; he was well educated and very highly recommended.

881. Who was the person that they did elect? —He was Captain Hill.

882. With regard to the financial board, I presume that you would elect one from every board of guardians, to meet an equal number of magistrates to be elected by the magistrates themselves?—Yes.

883. It appears that the feeling is very strong in the Chamber of Agriculture that the ratepayers should have a voice, and I think that is the very general feeling throughout England. In your county how do the magistrates themselves feel; do you suppose that they have any objection

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tion to it at all?—As far as I know, and I have conversed with a great many magistrates upon the subject, many say they have not, but they feel that they have, and others do not seem to have any objection at all.

884. How do you mean that they say that they have not, but feel that they have?—They say they have not in that kind of manner which shows that they do not like it.

885. What I gather from you is this, that it is more from principle than anything else that you advocate those financial boards, because you think that a man who pays rates should have a voice?—Yes.

886. And that is the general feeling in the North Riding of Yorkshire?—Yes.

887. It is not from any great idea that you would save very much, or that there is any great lack of economy at present?—No, I do not think it is.

888. Mr. *Heneage.*] Referring to those resolutions, did you think it was desirable that financial boards should be brought forward to supersede the quarter sessions, or would the chamber be content that they should form a portion of the finance committee?—No, they would not at all be content to form a portion of the finance committee, because that would give them no power whatever. It would be simply auditing the accounts, and what the council claim as a right, is that the financial board should control the expenditure.

889. Were the chamber aware of how very small a portion of the sums that are expended in the county the magistrates have any control over?—I do not think that they are convinced that it is a very small portion.

890. They have not worked it out to find for themselves that a great part of the expenditure the magistrates have no control over?—No; we think that there are certain portions which the magistrates have no control over, but we think that there are many parts that you would assume that the magistrates have no control over, but which, in our opinion, they have to a very great extent. There are two manners of doing a thing, an expensive way and an inexpensive way, and the latter is what is wanted in the county.

891. Are you of opinion that the machinery of Mr. Wyld's Bill could be worked without clashing with the magistrates, who are responsible for the efficiency of the police and the custody of the gaol?—Quite so. We expect that in the event of financial boards being elected by boards of guardians, there would be no clashing of that sort.

892. I spoke as regards Mr. Wyld's Bill?—Mr. Wyld's Bill provides for that, that is the machinery; but with regard to the machinery, I consider the machinery to be the election of members by boards of guardians, and you want to know if I consider that they would clash with the court of quarter sessions, as I understand you.

893. What I want to know is whether you think that the duties which devolve upon a financial board, as put forward by Mr. Wyld's Bill, could be worked with the quarter sessions co-existent without clashing with them?—Yes; because the court of quarter sessions would be relieved from the financial business, and it would be confined to the judicial business of the county, as I understand it.

894. Do you imagine that any body of gentlemen could be brought to act as magistrates and have all the responsibility, if they were to have the entire control of the county taxation taken out of their hands?—I have not the slightest doubt about it.

895. Mr. *Dent.*] You would entirely separate the judicial business from the financial business?—Yes.

896. How would you do with the police and the gaols, would you consider them at all as appertaining to the judicial business of the county?—Yes, the gaols certainly would. If you commit a prisoner the magistrates would have the control of that, certainly, I should think.

897. And therefore they must have the control of the expenditure in the gaols?—Yes, with regard to the salaries of the officers and that kind of thing, the financial board would have the control of them; they only want to touch money questions, as far as any authority that they might have would go.

898. You think that there would be no clashing?—I do not think there would; I think that the boards of guardians would send sensible men and men of intelligence who would be as anxious to carry out the proper administration of the county as the magistrates themselves.

899. I clearly understand you that in the North Riding the dissatisfaction is not so much with the management of affairs as upon the question of principle?—That is so.

900. With respect to raising the chief constable's salary, has not the population increased very much in the North Riding in consequence of the mining operations lately, up at Middlesbro' and Cleveland generally?—But Middlesbro' is a borough, and the police arrangements would be under the control there of the borough magistrates, and would not affect the county.

901. But there are other districts besides Middlesbro', there is a great deal going on in the way of discovery of iron generally in Cleveland?—Yes, in Rosedale, but it is not a very large place, it is not much larger than a country town.

902. Have there not been several extra police appointed in that district in consequence?—There may have been two or three, but nothing very material; there has been no such material increase, except in the borough of Middlesbro', as to account for anything of that kind.

903. You compared the North and the East Riding as though they were very much alike. Do you not think that in the North Riding the population requires more looking after in those districts than the East Riding population?—No, or in the mining districts only.

904. You said that Captain Hill has several brothers magistrates; he has only two, I think?—He has two and a nephew.

905. *Lord Henley.*] Would you consider it necessary, in your plan, that some elective members should be put on the various committees of the quarter sessions?—I think it would be desirable that an elective member should.

906. Supposing that a body were composed of wholly elective members, for the purpose of transacting the fiscal business of the county, do you think that many members of it would be magistrates, and that the ratepayers would elect magistrates?—It is most probable that they would; where the magistrate was at all popular he would be the most likely man to be chosen, because you find when the people of any country district are choosing anybody to represent them, they generally look out for a gentleman of the place,

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place, if he is willing to undertake the work and takes an interest in such matters.

907. And with regard to the others, those who were not magistrates, do you think that they would go to the expense and trouble of attending to public business?—I have no doubt about it; I think that they would consider that their election to that position was in some degree an honour to them and a mark of confidence reposed in them.

908. *Chairman.*] Was the question mooted at that meeting to which you have alluded, of the possible necessity of paying the representatives?—It was never mentioned; it was assumed that they would not be paid.

909. Supposing it was proposed that they should be paid, do you think that in the North Riding they would be opposed to it?—I think it would be considered undesirable; I think a sufficiently large number of people properly qualified for the office would be found to undertake it, as I said, as a mark of confidence and honour.

Mr. ANTONY SHARPLEY, called in; and Examined.

Mr. *A. Sharpley.*

910. *Chairman.*] Do you reside at West Torrington, in Lincolnshire?—Yes.

911. What position do you hold there?—I have no public office; I am a farmer in the Lindsey Division.

912. Do you hold a large farm there?—No; a small farm of 500 acres.

913. Have you paid much attention to the subject of county expenditure?—I have not.

914. What do you come to suggest to the Committee?—I never expected being called, and I was rather surprised to receive a summons to attend. I have attended the meetings of our agricultural chamber, and this question has been brought forward there, but we have arrived at no definite system; at least, at our last meeting it was proposed that we should leave it to the general committee in London to frame a Bill to be brought before another Session of Parliament.

915. Out of what did that desire arise; has there been any dissatisfaction in your district with the present system of county expenditure?—Not at all. I never heard of any dissatisfaction in our district; it is merely from the general principle, as the last witness stated.

916. You heard the evidence of the last witness?—Yes.

917. Do you concur generally in what he stated with regard to the county funds?—In some measure I think that an equal number of magistrates and others, elected from the general ratepayers would meet the wants of the case, and give pretty general satisfaction. It seems to be, from the general feeling amongst the farmers of our division, that they are not represented, more than from really any over expenditure.

918. You have not heard any dissatisfaction with any particular item of expenditure in the county finance?—There have been a few. The prison question is just afloat now, and some of the ratepayers thought that the magistrates were going to expend rather too much money upon their new central prison. I think, perhaps, that has been one occasion which has made them talk a little about bringing this thing on.

919. Have they the Highway Act carried out in your county?—In only one or two instances.

920. Has that caused any dissatisfaction?—It caused a great deal of dissatisfaction at the time, and the magistrates determined not to put it in force in consequence of that very great dissatisfaction.

921. What proportion should you say of your district is now under the Highway Act?—I think it is only carried out in one or two divisions.

922. You say that you are a member of the agricultural board of the district. Have you attended the meetings?—Yes, always.

923. How are the affairs of that board conducted; is everything transacted at a public meeting, or are there committees or councils?—There are committees, and there is a council appointed by the general body of members at a public meeting held once a year.

924. How many does your meeting consist of generally?—There might be 200 or 300 perhaps at the last general meeting. A council of 16 is elected.

925. Was it at a public meeting, or at a meeting of the council, that the subject was discussed?—It was at a public meeting. The council have power to call a public meeting on any general question at which any persons belonging to the chamber of agriculture are allowed to express an opinion.

926. Were you present when the discussion took place?—Yes, I was.

927. Did any of the gentlemen taking part in that discussion express themselves otherwise than as to the principle?—Nothing else.

928. There were no complaints made at that meeting with regard to the county expenditure?—No.

929. In what way has the public voice been collected in your district; has it been by other public meetings than those which you allude to?—No, by no other meetings save by the agricultural chamber.

930. Was the agricultural chamber formed for this purpose, or for other purposes?—For general purposes. I think this has arisen since the formation of the chamber.

931. Where did it originate; was it with some individual, or do you think it arose from the general feeling in the council?—I think it was the general feeling of the members connected with the body.

932. It was brought forward first, was it, at a general meeting?—Yes.

933. What took place then; was it well received at the general meeting?—The general meeting gave no expression of opinion; in fact it was not seconded at the general meeting.

934. Then, what took place at that time; did it fall to the ground?—No, it was brought on again at another meeting called by the committee.

935. Was it then seconded?—Yes, it was.

936. Was it much supported?—It was not spoken against at all.

937. Did any people speak in favour of it?—Yes, Lord Kesteven and others.

938. Was

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938. Was there any voting?—No, it was carried unanimously.

939. Have you got the resolution with you?—No.

940. Can you state what was the nature of the resolution?—The nature of the resolution, though not the exact words, was very similar to the one which the other witness has just read to the Committee.

941. Did the members express a desire that there should be some representation of ratepayers in the administration of county finance?—Yes, that was it; nothing else.

942. Is the council composed of large ratepayers?—Yes, it is.

943. Is it composed of any particular class, for instance, of gentlemen, or tenant farmers, or what?—There are some tenant farmers, and some large landed proprietors also; all persons are members of the council who subscribe upwards of 1 *l.* a year.

944. Mr. *Wyld.*] Did that meeting at which you say 300 persons were present, represent a large proportion of the tenant farmers in your division of Lindsey?—It did.

945. Do I understand you that their opinion was unanimous in favour of the establishment of county financial boards?—Yes.

946. Is that the general feeling throughout the division of Lindsey?—It is; I have never heard a farmer express any dissent to that.

947. The agricultural chamber, I presume, is the mere mouthpiece of the farmers?—It is.

948. Mr. *Scourfield.*] Do you attend any Poor Law Union?—I am a member of a board of guardians.

949. Can you tell the Committee what are the average poor rates in your district?—I cannot speak to the average of the district.

950. To the best of your knowledge, do the unions vary in number and property in Lincolnshire much?—Yes, there are some far more extensive than others.

951. Do you think that unions comprising a considerable extent of property would be content with sending exactly the same number of representatives as those unions where the property was much less?—That is a question which I have thought about for the last few days, and I have thought that that might be met, perhaps, by having two members from one large union, and, perhaps, only one for another, if a certain number were elected.

952. Mr. *Kavanagh.*] I think I understood you to say that you were a farmer?—Yes.

953. In taking a farm in the country, do you take into consideration the amount of rates? It is not generally done so.

954. Do you take it at a risk?—Yes, with the chance whether they get up or not, generally.

955. You have never known a case, I presume, of the rent being altered on account of the rate, either lowered or raised either way?—Never; it is not a general thing. I never heard of a case in our division; the rates generally get high, but I never hear of the rents being lowered.

956. Mr. *Kendall.*] You said that there is scarcely any discontent as to the county expenditure, save and except with regard to the county gaol; is the new county gaol begun yet?—No, it was merely a passing thing, they would not make a case of it now.

957. Mr. *Heneage.*] This dissatisfaction arose only in the places where the prisons were about to be pulled down?—Yes.

958. As a rule, the ratepayers are perfectly satisfied?—Yes, except in those divisions.

959. With regard to the highway board, I think you say that it has only been in force in the parts of Lindsey, and there it has been received with great disfavour?—Yes.

960. With regard to Mr. Wyld's Bill, it was brought forward by one member of the agricultural chamber at Lincoln, at the general meeting, but it was not seconded; was it not stated afterwards, that the reason why it was not brought forward was, because they did not wish to cast a slur upon the magistrates, who thought that they had been rather badly treated about the prison question?—Yes; and they thought that it was somewhat too complicated.

961. At this meeting, which was afterwards held, at which the chairmen of both the north and south divisions, Lord Kesteven, myself, and several other magistrates, and about 40 ratepayers were present, was it not unanimously agreed to that Mr. Wyld's Bill ought to be withdrawn; that it was too complicated, and that the central chamber of agriculture should be asked to consider a Bill and send it down to the chambers in the country?—Yes, it was.

962. They objected entirely to Mr. Wyld's Bill being gone on with?—Yes, entirely.

Mr. Evan Davies, called in; and Examined.

Mr. E. Davies.

963. *Chairman.*] Do you reside near Much Wenlock, in Shropshire?—Yes.

964. Do you hold any public office?—I am vice chairman of the Bridgenorth Board of Guardians.

965. Are you a member of the chamber of agriculture in Shropshire?—Yes.

966. Has the subject of county expenditure been under the consideration of that board?—Not that I am aware of.

967. Have you paid much attention to the county expenditure?—Not much; at least I go upon the principle more than anything else.

968. Can you speak to the feeling which exists in your division of Shropshire with regard to the county expenditure?—I think that the feeling is this, that the ratepayers wish to have those accounts more properly ventilated, so that they may know more particularly the nature of their expenditure.

969. How are the county accounts kept in your county?—They are kept very well indeed, I should say.

970. Are they kept economically?—I should think so.

971. But what you complain of is that the business is not transacted in a sufficiently public manner?—No, I do not complain of that, but I advocate the measure that those who find the money ought to have a representative power over the expenditure.

972. Are there any particular items of expenditure in your part of Shropshire which have been complained of by the ratepayers?—Nothing particular.

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particular. There are one or two salaries which they think are rather excessive. I will take the treasurer's, for instance. I find in the yearly accounts that the treasurer has a balance in hand of about from 3,000 *l.* to 4,000 *l.* annually, and that he is paid 100 *l.* a year for his services, and 26 *l.* a year, I think, for incidental expenses. We are well aware that any banking establishment in Shrewsbury if the magistrates would secure to them an average balance of 1,000 *l.*, would transact the business of the treasurer without any fee or reward.

973. But would the bank undertake the responsibility of the proper expenditure?—Yes; the treasurer has very little to do with the expenditure. Orders are drawn upon him for money.

974. Are you aware that the treasurer of the county is answerable at law for the proper expenditure of all money that comes to his hands?—I understood that he had to pay money that was ordered to be paid by the magistrates.

975. But supposing he got an order that was contrary to law, and paid it, whether it was by the order of the magistrate or not, would he be justified in paying it?—I suppose so. I was not aware that the treasurer had any discriminating power whatever. I know that the treasurer of the board of guardians has no discriminating power at all.

976. There is a complaint of the treasurer receiving 126 *l.* as his salary?—Yes; we think that the balance in his hand is quite sufficient to remunerate him for his services.

977. You think that the treasurer may find enough remuneration from that balance in hand of about 3,000 *l.*?—Yes.

978. The interest upon that at the bankers would not be more than 100 *l.* a-year?—Yes; but that is only the balance at the end of the year. When the calls are made, of course there would be a very much larger sum in the hands of the treasurer, and I think that any banking establishment would, if guaranteed an average balance of 1,000 *l.*, transact that business without charge.

979. Are there any other items complained against in your county?—None that I am aware of. It strikes me, individually, that the clerk of the peace has rather an excessive salary. He was paid last year 500 *l.*; in 1866, 502 *l.*, and in 1865, 502 *l.*

980. Do you think that that is excessive?—Yes, I think that that is excessive; he is a lawyer, and I think the very circumstance of his being clerk of the peace brings a good deal of grist to his mill in other ways.

981. Are you aware whether that is higher or lower than the average salaries of clerks of the peace?—I have not looked into any other county but my own.

982. I understand you to say that this wish in your part of Shropshire for county financial boards, has arisen more on principle than from any dissatisfaction with the present system of expenditure?—Yes, as far as I am able to speak individually.

983. How long has this been in agitation?—I have agitated the question myself for some years. I thought that it was a most unprincipled way of transacting business myself; but I have never consulted very much with anybody about it.

984. When was it first brought forward at the agricultural board?—It was about a month ago I received a notice that I was appointed as a witness. I was not present at the meeting; I scarcely ever attend the meetings, except the annual meetings.

985. Had it ever been discussed at the Poor Law Board of which you are a member?—No, never.

986. You believe it to be a pretty general feeling throughout your district?—Yes, I do.

987. How have you ascertained that feeling?—By conversation with my brother farmers.

988. Is it discussed on market days?—No, I have never heard it much discussed on market days, I generally select the parties with whom I converse upon the subject.

989. Have you ever heard any particular plan discussed?—No, I have never heard any plan discussed; I have formed an opinion myself upon a plan.

990. Will you favour the Committee with that opinion?—My opinion is that each board of guardians and each Poor Law corporation should elect one member from their elected guardians, who should be associated with a like number elected by the magistrates from their body.

991. In what position in life are your elected guardians chiefly?—Generally tenant farmers.

992. How far are you from the county town?—About 16 miles.

993. Do you think that the farmers, if they were elected, would be able to give their attendance at the county town sufficiently often and to bear the expense?—I should think that they would very willingly do so, because you would select men who took a great interest in the question; they would feel flattered at being appointed, and would very gladly associate themselves with the magistrates for that purpose.

994. I presume that it would require a very constant attendance?—Not a very constant attendance at the financial board, I should think.

995. The whole of the finances of the county would have to be very critically examined?—Once a quarter, I think would be sufficient for auditing those accounts.

996. But for the expenditure of money, I mean?—That is a question which appears to me to be the great difficulty. It appears that the magistrates are responsible for certain services; they are responsible for the peace of the county, and for other expenditure, and it strikes me that the only way of getting out of that difficulty would be that the county rates henceforth should be levied upon the principle of the last cattle-plague rate: one half to be paid by the owner of the soil, and the other half by the occupier. The magistrates are generally elected from the owners, therefore, we should be guaranteed, on the part of the occupier, that they would look pretty much after own business; what I wish understood by this is, that if the magistrates paid a moiety of the county rate there would be a greater incentive to check extravagance.

997. That supposes that there should be an alteration of the law with regard to the imposition of the rate?—Yes, certainly. I think that there would be these advantages arising from a financial board: that any question would be better ventilated by having elected members from each board of guardians, who would report to their board, and the board would report to the respective ratepayers of their parishes. Any question that required reform would be so far

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ventilated and acted upon, that we should get eforms and alterations in imposing those taxes.

998. That is upon the supposition that the law vill be altered, which, of course, depends upon Parliament; but by the present system it would, of course, require that the representative of the county rate, which I observe in Shropshire is a very considerable amount, should be very accurately looked to?—Yes; it is 20,000 *l.* a-year.

999. Of course, it would require very constant attention to manage an expenditure of 20,000 *l.* a-year?—I fancy that a great portion of it is lone by Imperial dictum; and I say that all expenses, in my opinion, that are incurred by Imperial dictum, ought to be defrayed by the Imperial exchequer; all those alterations would occur, or, at least, they would be so far ventilated mongst the ratepayers, that Parliament would e pressed upon those questions, and, no doubt, vould be obliged to make an alteration. That is he object which I have in the appointment of inancial boards, to obtain redress in that way as nuch as in any other. I cannot see how a financial board, for the purpose of auditing the accounts, can check very much the expenditure, vhen the magistrates have the power to order hat expenditure.

1000. But this board, which you suggest hould be elected by the ratepayers, of course, vould have control over the 20,000 *l.* a-year, or o much of the 20,000 *l.* as is not imposed upon hem by statute?—Of course, they would have he power, as was mentioned by some other witnesses, in building a gaol, or an asylum, or anyhing of that sort, of discussing the several plans, nd taking what they thought the most suitable or the county. But I cannot see how they ould infringe at all upon the power of the nagistrates in keeping the peace of the county.

1001. Do you think that it would be possible o conduct the business of such a county as yours y a quarterly meeting?—I should think so; I annot see why it should not.

1002. Do you know enough of the management of the county finance at the present moment o state that it is done by anything like a quarerly meeting?—Any large expenditure occurs nly occasionally.

1003. I suppose that the great body of the ounty rate of Shropshire, like other counties, is ot an expenditure which is under the control of he magistrates?—No; but it is paid in salaries nd services to the police, and all those things; ut I cannot conceive why a financial board is equired to watch these details every fortnight. At the time when the amount was fixed of the alary of the constable superintendents, all that ould be stated, and it would not require a fortightly supervision, I should think.

1004. Did you ever hear of a finance committee nder the present system that only met once a uarter?—I understood that the county expendiure was audited once a quarter.

1005. You must be aware that that is not the vhole of the duty of the finance committee?—The finance committees have no power to order xpenditure; I imagine that is ordered by the nagistrates at the quarter sessions. They have o power to initiate expenditure.

1006. But surely there is other business besides hat?—Yes, of course there is.

1007. However, you think that in the election f representatives from the boards of guardians ou would be able to elect men who would not object to any expense attendant upon the conduct of the financial business of the county?—Yes, certainly; and whether they attended or not, by so doing you would disarm them for ever from complaining afterwards of the want of a voice in the expenditure.

1008. Admiral *Duncombe.*] Are you a tenant farmer?—I am retired now; I was a tenant farmer till Lady-day. I merely occupy sufficient land to qualify me for a member of the board of guardians. I retired in favour of my son.

1009. Did I understand you to say that your proposal was, that in future, provided Parliament should choose to order the county rate to be levied in the same way as the cattle plague rate was levied, the tenant farmer should be relieved of one-half the rate, the landlord paying that half?—I would be willing to pay an additional rent, equal to one-half the rate; I would be willing to take a farm free from all local taxation in the future, and accept rent in lieu of local taxation.

1010. Do you think that that feeling would be general amongst all the tenant farmers in your neighbourhood?—Yes, I think so.

1011. That they should be relieved from one-half of the rate at the expense of the landlord, and that you should pay additional rent to remunerate him for it?—Yes.

1012. What would be the gain to the tenant farmer by that?—The gain would be nothing, but the information that his money was spent properly.

1013. Taking your expenditure at 20,000 *l.* in round numbers, are you aware how much of that is expended under Act of Parliament?—I am not. There is a great deal spent by Imperial dictum, but I am not aware how much, because not being on the financial committee I have not the means of sifting the accounts which we should have, supposing we had a financial board, because we should know that there was somebody able to answer this question.

1014. Are you not aware that frequently expenditure is necessiated in the case of county gaols by an order from the Home Secretary, and that the magistrates have no voice in the matter, they being told that the gaols would not be certified for the reception of prisoners unless such alteration was made?—Any orders of that kind the Imperial exchequer ought to pay for. If you call upon a man to find money, and do not allow him to have any voice in the expenditure of it, it is a revolution of the principle of our constitution.

1015. Does the clerk of the peace perform his duties himself or by deputy?—Generally he does them by himself.

1016. Mr. *Wyld.*] Is there a strong feeling in the county of Shropshire in favour of the establishment of county financial boards?—Yes, I should think so, by all intelligent farmers; these is a certain class of farmers who do not take these questions into consideration.

1017. The people who pay the county rate you think would be satisfied if one-half of the board were composed of members elected by the ratepayers, and the other half elected by the magistrates?—Providing they were elected out of the elective ratepayers. I disagree with all those witnesses who have said that the elective body are to elect magistrates. I disagree with them altogether on that point.

1018. *Chairman.*] You would not allow them to elect magistrates?—No, they ought to be elected from the elected guardians of each board.

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1019. Mr. *Wyld.*] Do you mean from the elected guardians or by the elected guardians of each board?—By the guardians of each board from their elected body.

1020. You would confine the election simply to the elected members of the board of guardians to form the representation on the county financial board?—Yes, certainly.

1021. Mr. *Scourfield.*] Is Shropshire divided into many unions?—There are 14 unions and two Poor Law incorporations.

1022. Do the unions run into the adjoining counties at all?—No, they do not.

1023. Are the unions nearly the same in point of wealth and population, or do they vary much?—They are pretty nearly the same I should think; there are some of them smaller than others, but I should think they are pretty nearly an average. Of course the population in the mining districts is very considerably more than it is in the agricultural districts.

1024. Do you think there would be any dissatisfaction if a union which was much larger and more wealthy than another union only returned the same number as a less wealthy and populous union?—They would be quite satisfied; I think the object is merely to ventilate these questions, and that the ratepayers may become incensed as to the mode of spending the county rate.

1025. Mr. *Kendall.*] You would introduce an entirely new system; if you could you would have the rates divided between the landlord and the tenant?—Yes; that is supposing that there are duties to be exercised by the magistrates which it would not be proper or fair for the elective financiers to interfere with; of course the magistrates are held responsible for the peace of the county,

1026. Supposing the rates were to be paid by the landlord, do you think that that would give the idea to the tenant farmers generally, that things would be so well looked after that they would be satisfied?—They would not require financial boards then, certainly.

1027. Mr. *Dent.*] But you look forward to financial boards rather as a sort of county parliament, do you not?—No.

1028. Or that they are to discuss questions of the method of rating, as well as the management of the expenditure?—No; I mean that the financial boards should represent anything they see necessary for representation to their respective boards of guardians, and, if necessary, that the boards of guardians should represent it to their ratepayers, and that they should take action thereupon, and by petition to Parliament, or otherwise, obtain the reforms that they think necessary.

1029. It is not merely the checking of expenditure, but it is a different method of raising money, and a different way of imposing burdens, that you think would be brought about?—I have merely said that upon the supposition that there are duties to be performed by the magistrates which it would not be advisable or just to give the financial boards power over, because, if the magistrates are to be held responsible for certain duties, they should have the power of regulating the expenses.

1030. You look at this rather as a matter of principle and feeling, than as finding any fault with the way in which the money has been expended?—Quite so; I think that the names of the two gentlemen which are attached to these accounts are, in my opinion, a sufficient guarantee that every check has been put upon the expenditure that it is possible for a man to impose.

1031. Mr *Heneage.*] You would like to preclude all ratepayers from being elected who did not happen, by accident or otherwise, to be upon the board of guardians?—Certainly.

1032. At present, the numbers of the board of guardians are not always selected from the largest ratepayers in the parish, are they?—I believe that they are almost always elected, as the most influential men in the parish.

1033. Supposing that a man had a farm in two or three parishes, in those cases people generally object to being guardians, do they not?—No; you may elect a guardian from any part of the union; he is not obliged to live in the parish.

1034. In your experience of farmers generally, would you not say that you find many men who are not on boards of guardians, but who are a great deal better men in many instances than even the best men on the board of guardians?—I do not know a single instance in my own union.

1035. At any rate you would preclude a person from election on the financial board, if he was not a member of the board of guardians?—Yes, because if a man were not worthy of the confidence of the ratepayers, he would not be sent to the board of guardians.

1036. Mr. *Kendall.*] Would there be any objection to allow the board of guardians to elect one of the magistrates?—Certainly, the objection would be that the person so elected, not being a member of the board of guardians, would not be able to report progress to the board. I want these things to be ramified and ventilated through the instrumentality of the boards of guardians.

1037. Mr. *Read.*] Does your county treasurer keep a separate banking account of the money that he receives for the county?—I have no means of ascertaining that at all.

1038. Your rates are about the lowest in England, are they not?—They are very reasonable. I have no fault to find with the expenditure of the county of Salop. I know that our chairman of quarter sessions will take care that not a shilling is spent more than is necessary. I am quite sure of that.

1039. *Chairman.*] Who is the chairman?—Sir Baldwin Leighton.

1040. Mr. *Read.*] Have you had increase in your rural constabulary at all within the last few years?—A little, not much.

1041. Has there been any increase in the rates?—No, I think not; I think our rates are now about 3¼ *d.* in the pound, or they were so last year.

1042. I see they are returned as 2 *d.* in the pound?—That is 2 *d.* county rate, and 1¼ *d.* police rate.

1043. You have a large and influential body of tenant farmers in Shropshire, I suppose?—Yes, I believe so.

1044. And from them you would have no difficulty in selecting men who would serve on those county financial boards?—Not the least in my opinion.

1045. And who would give a regular and proper attendance?—I think so. I find that all the influential guardians are very constant in their attendance at the board.

1046. I think you object to the salary of the clerk of the peace, which is 500 *l.* a-year?—I think

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think myself, individually, it is rather excessive, forasmuch as it brings other things into his office which he gets remunerated by.

1047. We in Norfolk pay 1,231 *l.* to our clerk of the peace; do you think that we are worse off than you are?—I think you are very extravagant. I should think Norfolk must be a very rich county if they can afford to do these things.

Mr. SAMUEL MINOR, called in; and Examined.

Mr. *S. Minor.*

1048. *Chairman.*] Do you live at Wellington?—I live at Meeson, about seven miles from Wellington, in Shropshire.

1049. Do you hold any public office?—I am Chairman of the Board of Guardians.

1050. Is it a large union?—It is a large union; both a populous one and a rich and extensive one.

1051. Have you any complaints to make of the expenditure of the county of Salop?—About six years ago my attention was called to some little changes that were then being made with regard to some lock-up houses that were being erected, and from that time there has always been some dissatisfaction expressed by the ratepayers in consequence. There was one lock-up house erected at a place called Hodnet, which was in such a situation that they were never able to use it; and it had to be taken down, and that was built at a great expense. Another has been erected in Market Drayton in a similar way, and that has just been sold. I do not know what was given for it, and the justices have been obliged to erect one in another situation in consequence of the unhealthiness of it.

1052. On other points have you heard any dissatisfaction?—There is a general dissatisfaction on the part of the ratepayers which has also been expressed by our board of guardians, on more occasions than one, and they have sent petitions; not only the board themselves, but the parishes conected with the union, have sent at various times petitions to the House of Commons in favour of some Bill, similar to this before the Committee, giving power to the ratepayers, jointly with the justices, to distribute the county funds.

1053. Do you believe that that feeling has arisen from any general dissatisfaction with the present system of expenditure, or do you think it has arisen as a matter of principle?—I think it is more a matter of principle. There was a very strong feeling indeed expressed at my board, a fortnight ago, when the charges came in for the county rate, and they said that they were called upon to pay a large sum of money, and that they had no voice whatever in the distribution of it; that it was handed over to gentlemen who were not responsible to the ratepayers in any way, and that we do not get any detailed accounts. We only get about two or three copies of abstracts of the accounts; the chairman generally gets one, but the other members of the board do not.

1054. It has been observed, as you have heard in the course of the examination to-day, that your county rates are the lowest rates in England; is that the case?—I believe they are; I have no doubt that the money is economically used, except on some particular occasions, such as I have just enumerated. But there is another thing to which your attention has not been called, and that is with regard to the county surveyor. I think he is a very useless man, and I have very good reasons for saying so; for, some little while ago, I had occasion to meet him upon a turnpike trust for which I am a trustee, and he also; and being I suppose a little too lazy to go and look after his work, he has gone so far as to ask me, if I was going on a particular road any time before long, and whether I would look at it for him, and see if it wanted repair, as complaints had been made to him about it; if other people are to be called upon to do his work, I think that his salary is very uselessly thrown away.

1055. What do you pay your county surveyor?—It varies. It was 250 *l.* in one year, 230 *l.* in another year, and 282 *l.* in another year, and last year it was 200 *l.*

1056. Admiral *Duncombe.*] Would that be his salary or expenses?—His salary, I suppose.

1057. Why does the salary vary year by year?—I don't know how that is; but I see it is so by the Return.

1058. *Chairman.*] Did you hear the evidence given by the last witness?—Yes.

1059. Do you agree with him in the nature of the board which should be elected?—As far as the election of the board goes I think it ought to be elected by the board of guardians; for this reason, the board of guardians is elected from each parish, and they usually do choose some of the most intelligent men that they have in their parishes to serve. I think if it were from the body of ratepayers alone it would give it more of the appearance of a county election, and I do not know that they would arrive at any better conclusion. I think if they were elected, one-half by the elected boards of guardians, and the other half from the justices, that would be perfectly satisfactory.

1060. The last witness expressed an objection to boards of guardians being allowed to elect magistrates; have you any such objection as that?—No; if a board of guardians choose to elect a magistrate let them do so. There would be a difficulty if they were to elect one who does not attend the board. Some magistrates never attend the board of guardians at all.

1061. How may *ex officio* guardians have you?—I think there are five or six; I am not quite sure.

1062. Do you agree with the last witness that if it were decided that the members should be elected members by the board of guardians, men would be found who would undergo the expense of a regular attendance at the county town to manage the county finance?—I have no doubt that they would, and at their own expense; they attend the board of guardians at their own expense.

1063. But that is not quite so far off?—I do not know that; in a union like that in which I reside, it is a most onerous duty, I do assure you.

1064. And do they attend well?—Yes; I should think 15 or 16 out of 19 attend every day. I dare say there were as many as that the last day.

1065. What is the distance from your county town?—It is 10 miles from Wellington.

1066. Are

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1066. Are you a member of the agricultural board there?—I am.

1067. Has the matter been taken up there?—I believe it has, but not when I was present. I was invited to attend, but I had engagements otherwise, and I could not go.

1068. Has it been at the request of your board of guardians that you are here to give evidence?—No, at the request of the chamber of agriculture. But the board of guardians expressed a wish that I should come at our last board meeting when the subject was discussed.

1069. Should you object to a board composed of magistrates exclusively, provided those magistrates were elected by the ratepayers?—That would not be my individval objection, but it would be the objection of the ratepayers. In these days of education every man thinks that he has a perfect right to assist in managing his own affairs, and it is felt very strongly indeed, I assure you, and I think very reasonably so, because the rates are very high in our union, particularly so; and now that we are allied to a mining district, the poor rate is very heavy indeed.

1070. Your county rates are proverbially low, are they not?—Yes; but still the county rate being paid out of the poor rates, the amount is all collected from the same source.

1071. But I suppose your great objection is as to that portion of the rate which is really poor rate, and not county rate?—We do not object to pay county rate, further than this, that we want to have a voice in the administration of it, so that we may know how matters in detail are going on.

1072. You have talked about the rates being so heavy; is it not the poor rates that are so heavy, and not the county rate?—Yes, but that is the general rate out of which it is paid.

1073. Mr. *Wyld.*] Do you represent the public opinon of the county of Shropshire?—I believe I do, generally; not only in my own union, but in some adjoining unions; in fact, I know I do.

1074. Does that opinion represent a large number of tenant farmers who hold large estates. and who farm in the aggregate a large amount of land?—Yes, and some who are owners as well as occupiers.

1075. Are you a tenant farmer?—I have been a tenant farmer, and have also farmed my own land, but I am doing neither now.

1076. You have been an owner as well as an occupier?—Yes, I have been both.

1077. Do you think that, taking the aggregate amount of land held by the owners, exclusive of magistrates, they are in favour of the appointment of county financial boards?—I am satisfied that they are; I have not heard one dissentient voice, except from a magistrate, but some magistrates have not expressed dissent to it when I have named it.

1078. Have you seen the Bill that has been presented to Parliament?—Yes, I had a copy sent me.

1079. Do you approve of the machinery generally?—Yes; I think it will want curtailing and simplifying in some of its details to carry it out; the principle I quite agree with.

1080. Do you approve of the principle of half the members being elected by the ratepayers or the boards of guardians and half by the magistrates?—Yes, I think that the boards of guardians, being elected by the ratepayers generally, are generally elected as men of the most intelligence in the several parishes; they are so at our board, and I think they may be safely left to elect their members to meet the justices on the financial board.

1081. I understand you that there would be no difficulty in finding men of education and sufficient leisure to attend as members of the county financial board to which they are elected?—I have no reason to think that there would be any difficulty at all.

1082. You think that the educational qualifications of the members who would be sent to the financial board are sufficient to enable them to comprehend all matters connected with the county expenditure?—Yes, I am sure they are.

1083. Mr. *Scourfield.*] The guardians who attend your board, if tenant farmers, are generally persons who pay very large rents, are they not?—Some of them are large holders.

1084. Do a great number of them pay a very large rent?—The greater portion do. I do not think that there are any holding less than 200 acres, but many of them hold 400 and 500, and even more than that.

1085. Mr. *Kendall.*] Supposing you were to have a certain number of elected guardians to meet the magistrates, should you expect your guardians to come back and detail to you what has been done; would they be responsible to the board of guardians for their own conduct, or should you let them act quite independently of the board of guardians?—Of course, if we thought fit to elect them, I should let them act independently.

1086. You would not have your elected member report to you?—Not any further than that, if he was asked a question, he should give a fair and civil answer to it. I should not hold him to be answerable for anything. I do not think that it would be required that he should be so.

1087. Mr. *Heneage.*] You think that the board of guardians ought to elect them, but that they ought not to be restricted to electing representatives from amongst themselves, but that it should be open to them to elect representatives from amongst the general body of ratepayers, whoever they may be?—No; I before stated I would elect them from the boards of guardians themselves, because I think boards of guardians are generally composed of men of business; at any rate, I have been a member of two boards, and they are generally composed of men of business; and I think that they may more safely be elected from the boards themselves than out of the population generally.

1088. Then, I misunderstood you to say that you saw no objection to magistrates being elected if the guardians chose to elect them?—Of course, being *ex officio* members of the boards of guardians, they might be elected.

1089. Mr. *Read.*] Have you highway districts in your part of Shropshire?—Yes; the whole of the county of Shropshire is formed into highway districts.

1090. Was there any particular objection to the formation of them?—Very great indeed. It was the cause of Sir Baldwin Leighton losing his seat at the last election; there was the strongest feeling that I ever saw exhibited on any occasion.

1091. Had not the formation of those highway districts something to do with the movement that is

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 going on against county expenditure?—No, I o not think it had.

1092. Did it exist previous to that?—Yes, it xisted more than six years ago; because, when ir Baldwin Leighton and Mr. Gower were lected, they both pledged themselves to vote for Bill similar to the one upon the table.

1093. Then, it is still the firm opinion, on the art of the Shropshire tenant farmers, that they ish for those county financial boards?—Yes, ndoubtedly, and it has been for some years.

1094. Lord *Henley.*] Did the ratepayers, when he question of adopting the Highway Act was rought forward, take any means for letting their eelings be known at the quarter sessions?—Yes.

1095. What means?—Through Mr. Eyton; and, I believe, another person with Mr. Eyton was deputed to attend the quarter sessions and oppose it on behalf of the Wellington Union.

1096. He being a magistrate?—Yes.

1097. Did they furnish him with petitions?—I quite forget that now, but he had instructions from the board of guardians, and he was sent by a resolution or something of the kind.

1098. It was felt at the time that it would be proper on the part of the ratepayers to express their feelings on such a subject as that?—Yes, and they expressed their feelings through Mr. Eyton and the other person appointed.

1099. Was that sufficient?—We had no other means of doing it; they would not allow us to go individually to the court.

HENRY SEWELL STOKES, Esq., called in; and further Examined.

H. S. Stokes, Esq.

1100. Mr. *Wyld.*] HAS there been considerble dissatisfaction in the county of Cornwall ith respect to the expenditure on the police tations?—There certainly has been a very strong eeling expressed upon that point, more particuarly with regard to the head-quarters station at odmin, which no douht is to be a very expenive building; but, as I said in my former examiion, that building, like our other police station, as erected according to plans approved of by the ecretary of State.

1101. The magistrates in that case had some iscretion, had they not, as to the expense?—hey might no doubt have checked it to some xtent; but they do not know themselves that it as going so far, I believe.

1102. Has there been also considerable disatisfaction with respect to the salary of the overnor of the gaol?—Yes I believe that is the ain cause of the excitement in the county at his moment.

1103. Has there also been some dissatisfaction ith respect to the superannuation of the superntendent of the asylum, Mr. Hicks?—Yes; that as a great many years ago, but it was done by he visiting justices when they had the power to o it, before the recent Act, and his superanuation was not under the control of the county ustices.

1104. Are not those the causes why a great umber of people in the county of Cornwall ask or financial boards?—I believe that it has been wing to those and other circumstances. I believe the impulse of the times has had something to do with it.

1105. Mr. *Kendall.*] There was no doubt great dissatisfaction in the county with regard to Mr. Hicks' salary?—No doubt of it.

1106. And do the ratepayers throughout the county think that if financial boards are established they shall be able to control those items to which they now object?—They think so. I think it right to mention that this morning I received from the financial chamber of Cornwall a request that I would act as their representative before this Committee. I have not had an opportunity of replying to them that I am not in a position to do so, being clerk of the peace for the county; but at the same time I shall write to the secretary to-day to tell him that I have mentioned the fact to the Committee, and that I have communicated their views as being strongly in favour of the establishment of financial boards.

1107, Mr. *Read.*] Have you highway districts in Cornwall?—Yes.

1108. Was there any opposition to their formation?—There was no opposition exactly, but a very general disinclination to have them.

1109. Was that powerfully expressed?—No, not powerfully expressed; they grumble now very much indeed at the increased rates.

1110. Mr. *Wyld.*] Was not there a strong feeling of dissatisfaction about the establishment of highway districts?—Not so strong as in other counties; but they would rather be without any boards, or anything which would cause any increase of the rates; that is the meaning of it.

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MEMBERS PRESENT:

Mr. Bruce.
Lord Edward Cavendish.
Mr. Dent.
Admiral Duncombe.
Lord Henley.
Mr. Kavanagh.
Mr. Kendall.
Colonel Wilson Patten.
Mr. Read.
Mr. Scourfield.
Mr. Wyld.

COLONEL WILSON PATTEN IN THE CHAIR.

Mr. THOMAS HAWKINS, called in; and Examined.

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1111. *Chairman.*] WHERE do you reside?—At Bentley, in Suffolk.

1112. Will you be kind enough to state any information, which you have it in your power to give to the Committee, with respect to the feeling which exists in your county on the subject of county financial boards?—I think there is a general wish amongst the ratepayers of Suffolk that they should have some voice in the expenditure of the county funds; that seems to be a very general feeling throughout the county.

1113. Have you more than common means of ascertaining the feelings in your county?—No, only by associating with other farmers and ratepayers.

1114. Do you hold any public office?—No.

1115. Are you a member of a board of guardians?—Yes, I am a guardian of the parish.

1116. Is it a large union?—Yes, it is a fair-sized union.

1117. Is the subject ever talked over at the board?—No, I do not think it is; we meet for business, and we have not much time for conversation, except upon Poor Law matters. The subject of the county expenditure is more talked over at market tables, and so on.

1118. You think that there is a general feeling upon the subject?—Yes, I am quite sure that there is.

1119. Do you think that that feeling arises from a belief that the expenditure under the present system is not sufficiently economically conducted?—I think it arises more in this way, that a good deal of money is expended which the ratepayers do not seem to know anything about, and they want more information upon the way in which it is expended. I think it is not from any apprehension that the magistrates do not use all means in their power in keeping the financial part of the business right.

1120. What is the system in your county with regard to the publication of the county financial account?—I have never seen a statement except in the newspapers, and there it is generally classed under the principal heads, such as the lunatic asylum and the police, and so on, in two or three classes.

1121. You think that that statement so published does not give the ratepayers sufficient insight into the mode in which the money is expended?—No, I think it does not.

1122. Are there any particular items in the account to which you would wish to call the attention of this Committee?—No, I have no particular information as to how the money is expended; but there is a general feeling that the ratepayers wish to know more about it than they do.

1123. Have there been any public meetings upon the subject?—Yes, it has been discussed at the chambers of agriculture.

1124. Were you present when the subject was mooted?—No, I was not; it has been discussed in the western division, and it was discussed in our eastern division, but I did not attend that meeting.

1125. Have you any information with regard to the reasons assigned by those who do moot the subject at those meetings; did they express any dissatisfaction with any particular items of expense, or was it merely, as you have said your own opinion is, from a belief that, constitutionally, there ought to be a better representation of the ratepayers in the management of the county finances?—I think that is the grand reason.

1126. But you do not know whether that was stated as the reason when it was discussed?—No, I do not; it was a discussion which took place several weeks ago; I do not really recollect what was said about it, but it is discussed pretty generally at all our market tables throughout the county.

1127. Has it been so discussed in a long period past?—Yes, ever since I can recollect; ever since I have been a farmer, at any rate.

1128. Could you tell the Committee what is the county rate in the pound in your county?—No, I do not know what it is; the county rates in our hundred are pretty uniform; from about 1,100 *l.* to 1,300 *l.* a year; I have only lived in the eastern division of the county about nine years, and during that period the rates have been pretty uniform, about from 900 *l.* to 1,100 *l.* and 1,200 *l.* a year for our Sandford hundred.

1129. Do you hold a large farm?—I farm about 600 acres.

1130. How much in the pound does the county rate

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rate amount to on your farm, do you remember? —I really could not tell.

1131. Do you live in the eastern division?—I live in the eastern division now; I had always lived in the western division before.

1132. I see by the return from the county treasurer that the rate in the pound, in the eastern division, is 3⅜ *d.*; do you believe that to be a correct return, or do you think it is more than that?—No; I do not think it is incorrect. I think the accounts are made up very correctly by the magistrates.

1133. Can you state to the Committee whether your county rates have increased, decreased, or remained stationary the last few years?—I was looking at it at our board yesterday, and I find that during the nine years that I have lived at Bentley, they have been pretty uniform, except one year, I think, when there were some barracks to build for the militia, and that increased the county rate that year 300 *l.* or 400 *l.* upon our hundred; but except that, they have been pretty uniform, I think generally from about 1,000 *l.* to 1,100 *l.* a year upon our Sandford hundred. I have no means of knowing what they are upon the county generally; I am merely looking at our own hundred.

1134. You had a cattle rate, I presume?—Yes; we had a cattle rate during the cattle plague.

1135. That is not included in those years that you have given?—No, I think not; that was paid by a separate rate.

1136. Have you made any representations to the magistrates of your county upon the subject that we are now inquiring into?—No.

1137. What is the nature of the board that you would recommend; what would be the constitution of the board?—I do not think that it could be done better than by electing members of the board of guardians to form a board with the magistrates.

1138. Would you restrict that choice to the elected members of the board of guardians, or would you allow the board of guardians to elect *ex officio* members?—I think if there were any gentlemen who were business men, they would elect them; if not, they would elect one of themselves, not confining themselves to *ex officio* guardians, but to any gentleman in the neighbourhood. I do not think that they would think anything about in what capacity they were, whether they were *ex officio* members of the board of guardians, or whether they were gentlemen in the neighbourhood, so that they were men of business. I think they would elect some one whom they thought they could confide in to manage the business.

1139. You have stated that one of the reasons why the subject has never been entertained by the board of guardians, has been because the business of the board occupies all your time?—Yes.

1140. Do you not think that the addition of representation on the financial board of the county, would give them an additional amount of business which would deter some of your members from accepting such an office?—No; I do not think it would. I attend the board every week or fortnight, as the case may be, and I think that there are many of the principal guardians who would not at all object to it.

1141. They would not object to the personal expense which they would be put to in attending meetings at the county town?—I think not.

1142. How far are you from your county town?—About six miles.

1143. Do you know what is the furthest board from the county town?—I should think in our union about 10 miles.

1144. Taking the most distant union from the county town, how far would that be?—I really cannot say; a great deal of the magistrates' business is done at Beccles as well as Ipswich.

1145. Is the financial business of the county transacted at Beccles?—I think that is always done at Ipswich.

1146. What should you say was the distance from Ipswich to the furthest part of the county? —20 or 30 miles I should think.

1147. Do you think that an elected member of the board of guardians would willingly undertake a duty, in looking after which he would probably have every week in the year to go 20 miles to Ipswich and back, without remuneration?—I think he would, if he undertook it. It is probable that the guardians would always elect some country gentlemen near, who was a man of business habits, and who would attend to the duty.

1148. Then would you enable the ratepayers to elect anybody they liked?—Yes; I would allow the guardians to elect anybody they liked.

1149. You would not give that power to the ratepayers?—No; the guardians are the representatives of the parish generally, and I should allow the guardians to elect any one they thought proper.

1150. Whether a member of the board of guardians or not?—Yes.

1151. Do you happen to know how the finances of your county are managed; is it by a financial committee or what?—I believe it is by a financial committee. They have improved within the last five or six years. I remember the Honourable Mr. Henniker altered the system of the statement that was published, and so on, and got it into a much better state than it was some years ago, and I think that has given a good deal of satisfaction to the ratepayers.

1152. Do you come here as from the Board of Agriculture?—No; I received the summons last Saturday. I was not at home, and I only knew of it on Monday.

1153. Have you any other suggestions to make to the Committee upon this subject?—I think it is the general feeling throughout the county, that upon matters such as building bridges or any public buildings that are erected, a little element of practical men amongst the magistrates would be a very great service in estimating the probable cost, or the value of those things that are brought before them. I do not think that there is any wish at all in the county to come into collision with the county magistrates, or that there is any complaint made as to what they do; but I think we feel generally that we could do a good many things better. If, for instance, there was a bridge going to be built, it would be in the neighbourhood of some elective member of the financial board or a guardian, and he would be able to give a little inspection to it, and see it as it went on; and not only that, but if the plans and specifications were put before him, he would be able to say as to the value of them, and, perhaps, he would have a better means of interrogating the surveyor as to the quantity of work required to be done, and the value of it, than, perhaps, a gentleman or a clergyman who is not accustomed

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tomed to erect buildings. I think that is more the feeling of the county amongst the farmers generally, that as they have to pay the whole of this money, they ought to have some voice in its expenditure. I think that is about the sum total of their complaint.

1154. Can you state to the Committee the mode in which that particular portion of the county business is transacted at the present time; take, for instance, the bridges; how is that business transacted now?—I really do not know; I think the county surveyor gives in a plan, and then it is left by the magistrates to be contracted for.

1155. Do you happen to know what salary is paid to the county surveyor?—I do not know anything of the salaries, or anything further than the feeling of the farmers throughout the county, and it is a feeling of very long standing; that is all I can say.

1156. Admiral *Duncombe.*] Are you in the habit of attending the quarter sessions?—No; only when I have business there.

1157. Then you are not aware whether the accounts of the county are passed in open court or not?—No, I am not.

1158. The accounts of the county are published in the newspaper, I think you said, and that gives you the information that you obtain?—Yes; it is generally so much for the lunatic asylum and the general expenses of the county.

1159. Under the different heads in which the expenditure takes place?—It is all done under about three heads.

1160. *Chairman.*] Is the amount of salaries given separately?—No; I think not.

1161. Admiral *Duncombe.*] Do you know the amount collected by your county rate in the year?—No, I do not know what it is.

1162. Consequently, I suppose, you do not know how much of the whole county rate is expended under Act of Parliament?—No; I should think that there is very little of it expended under Act of Parliament; they are something like our board of guardians. We now and then get a fresh broom down.

1163. I understand the feeling generally amongst the ratepayers to be, not any dissatisfaction at the extravagance of the expenditure under the magistrates at the quarter sessions, but merely a desire to have more information upon the subject by persons who are some of their own body. Is that so?—I do not think that the feeling of the county is generally that the magistrates do anything wrong; but I think that the feeling of the ratepayers generally is that they could manage a good part of the business, such as the police, and so on, very much more economically than it is done. I think that that is the general view of the ratepayers throughout the county.

1164. But, supposing that the ratepayers were represented by some of their own body, and a large part of the expenditure takes place under Act of Parliament, what power would they have in lessening it?—Of course they would have no power, except to carry it out. But then perhaps, in carrying it out, they might save some money.

1165. They might carry it out more economically, you think?—Yes.

1166. Has your police rate increased of late years?—I think it has a little; but I do not know to what amount.

1167. You do not know whether or not the number of the police have been increased—I think that it was increased three or four years ago; but not to any particular amount.

1168. Have you no knowledge whatever of what the salaries are throughout the county; of the clerk of the peace, and so on?—No, I have not.

1169. Mr. *Wyld.*] You stated that the accounts are published in the newspaper; does not the clerk of the peace send to each board of guardians a statement of the county expenditure?—There has never been one sent to our board.

1170. During the time that you have been a guardian have you never seen a statement of the county expenditure?—No, I asked the clerk yesterday, if he had ever had a statement sent, and he told me that he had not.

1171. Then the only source of your information is the balance-sheet of the county, which is published in the newspaper?—Yes.

1172. Have you been long a resident in the county of Suffolk?—Yes, I have lived there all my life.

1173. You reside now in the eastern division, I believe?—Yes.

1174. Do you know the feeling throughout the western division of the county as well as the eastern division?—Yes, the feeling is pretty general, I believe, throughout the whole county.

1175. That feeling you state to be this, that the ratepayers should have some voice in the expenditure of the rates?—Yes.

1176. Is it the feeling that the board should be composed one half of magistrates and one half of members elected by the ratepayers?—I do not know that the numbers have ever been discussed much, but it is the general feeling that there ought to be a certain number of ratepayers, either from the boards of guardians or some business men in different parts of the county, to join with the magistrates in the management of the funds.

1177. Is it your opinion, then, that it would be satisfactory to the ratepayers if one-half of the board were elected by the ratepayers and the other half elected by the magistrates?—Yes, I should think it would.

1178. You stated that they should be elected by the guardians; is it the opinion in the county of Suffolk that the election should take place by the board of guardians, and not by the ratepayers generally?—I think the opinion generally is, that the board of guardians would be a more simple mode of electing the persons who were to attend the financial board. In fact, the guardians are elected by the parish, and they are generally the principal farmers in the parish, and I think that that would be the more simple mode of electing their representatives.

1179. From your knowledge of the county, if members of the county financial board were elected by the ratepayers, would there be any difficulty in their attendance?—I do not think there would in the least.

1180. Do you think that men having sufficient leisure and property would not object to attend several times in the year, to carry out this county financial business?—I do not think they would the least in the world.

1181. Have you seen the Bill which is proposed?—I have read extracts from it in the newspapers, but I have never read the Bill itself.

1182. You

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1182. You are not aware whether the machinery proposed by this Bill is such as would be accepted by the ratepayers?—No, I am not.

1183. Mr. *Kendall.*] The Chairman suggested that some difficulty might arise in the case of ratepayers represented by their elected guardians as regards distance. And you suggested the possibility of their being represented by some one nearer the county town; would you select somebody out of the union and out of the district to represent the ratepayers?—No, I think that they should elect some one in the union.

1184. Then he might be at a great distance from the county town?—I do not think that that would necessarily happen; I do not think the feeling is that they would always elect a gentleman, but some influential person who was a business man.

1185. You would not confine it to the board of guardians; if you found a difficulty in getting members to attend who are elected from the board of guardians, you would elect some influential ratepayer in the neighbourhood?—Yes.

1186. But still you would confine it to the district or the union?—Yes, I think I should.

1187. You were asked whether you would elect any *ex officio* guardians; how many *ex officio* guardians have you in your board?—There are five or six gentlemen generally attend.

1188. How many are there altogether who could attend?—I should think eight or ten.

1189. Do about one-half generally attend?—Yes; generally we have about one-half of them attending.

1190. Do you think that if you were to elect magistrates and *ex officio* guardians, it would create jealousy elsewhere, because you would not then have half-and-half magistrates against the ratepayers?—I do not think that there is any objection to magistrates being elected if they were men of business, and if they would give their attention to it; I think if a magistrate attended our board, and if he were a man of business, we should elect him.

1191. I gather from you that you would not care if there were a preponderance of magistrates, provided you had a good sprinkling of practical men, like yourself and others, who would give some local information?—Not the least.

1192. Mr. *Kavanagh.*] I think you said that you hold 600 acres; in taking a farm do you generally consider the rates?—Yes, we consider the rates as one item of expenditure.

1193. Do you consider the rates as regards the rent?—Yes, to a certain extent, but I do not think that the rates make much difference to the rent.

1194. Do not you think that it would weigh with a man in taking a farm if it was in a district where the rates were very high?—No doubt it would, but I do not think that he would consider that as a part of the profits of the farms so materially.

1195. What I mean is, that a farmer would hardly give as much rent for a farm in a district where the rates were very high?—No, he would not, of course.

1196. Therefore the rates are considered in the rent?—Yes; every item is of consequence to a farmer, as it is in any other business.

1197. Lord *Henley.*] Is the Highway Act in operation in your county?—It is, in the western division.

1198. Has it been brought forward in your division?—There has been some attempt, I think, amongst some of the magistrates to bring it forward, but I think, generally speaking, the magistrates are not in favour of it.

1199. What would the feeling of the ratepayers be about it?—I think that if it is carried out as it is in the western division, they would be all against it.

1200. Did they make any opposition?—They had no opportunity.

1201. Had they no means of making their feelings known?—No.

1202. Did they not attempt by petition to the quarter sessions, or in any other way, to make their feelings known?—I believe that all the surveyors had notice of the meeting from the magistrates, but when they got there, they were not allowed to say anything, so that they had no opportunity of making their wishes known.

1203. Do they complain of it now as an expensive machinery?—Yes; it is a very expensive machinery, and the roads are not so good.

1204. And on the whole, the ratepayers feel that what has been done, has been done as against their wishes?—I am an advocate for the Highway Act, but it is being carried out upon too extensive a principle, so that there is not that supervision of labour which there ought to be, and we are paying a great deal more money for very much worse roads.

1205. What I want to arrive at is, the feeling of the ratepayers upon the subject, and the difficulty which they have found in expressing their opinion; you say that, generally, the feeling of the ratepayers is hostile to that Act?—Yes.

1206. And that they have not had the means of expressing their feelings to the quarter sessions upon it?—I do not know that I should say that the feeling of the ratepayers was hostile to that Act, but I believe that the districts have been formed too extensively, so that it is a moral impossibility for there to be a proper supervision of the labour. I think that that is the cause of the dissatisfaction, and not the Act itself.

1207. Have you examined the Bill of Mr. Wyld on the subject of county financial arrangements at all?—I have not.

1208. I thought you said that you had seen it?—I have seen some extracts from it in the paper several months ago; I do not know how long ago.

1209. Have you seen sufficient to inform yourself of the fact that the Bill proposes to elect county financial boards to have a sort of concurrent jurisdiction with the quarter sessions; have you learned so far of the Bill?—Yes.

1210. Do you not think that if such boards as those were elected, there would be a constant clashing and jealousy between those boards and the quarter sessions?—No, I do not think there would be. I think that the county magistrates generally are gentlemen of great common sense and integrity, and I think that if anything that was proper and right was suggested to them, they would at once see it, and acquiesce in it. I do not think that there would be the least jarring or jealousy between the farmers and the magistrates, or any other ratepayers, about these things. I do not think that there would be any sort of factious opposition on the part of the farmers to anything that might be brought about, but I think they would be of very great assistance myself.

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1211. The distinction which I wished to draw was between the policy of creating such financial boards as that, and having one financial board composed of some representatives, at all events, of the ratepayers; do you think that that would be a better plan than such concurrent boards as we have been speaking of?—I think that the electing of a certain number to attend the board from the ratepayers would be the thing.

1212. Would you give to that board so elected the whole power over the expenses?—Yes, with the magistrates.

1213. Do you think that the best means would be to leave to the ratepayers the power, if they thought proper, of electing magistrates?—I do not think that it would be advisable to restrict them.

1214. I do not mean to restrict them, but merely to allow them to elect magistrates, if they liked?—I do not think there would be any objection to that.

1215. Would you prefer that the county financial boards at quarter sessions should be two bodies, both having power over the finance, or one body composed of persons elected by the ratepayers?—I should prefer a board partly of magistrates and partly of ratepayers.

1216. And that there should be one body only?—Yes.

1217. Mr. *Dent.*] One body only, who should control the finance of the county, I suppose?—Yes.

1218. You would leave the choice entirely free to the boards of guardians?—Yes, certainly I would, because I do not think that the boards of guardians have the least preference as to who they should send, because they would obtain all the information they wanted from whoever represented them.

1219. You said that you thought practical men who were on such a board, might improve the police expenditure; have you any practical suggestion to throw out in what way your county conceive it might be done?—No; I do not know that I have. If we had them before us sometimes, we should make them more efficient than they are now, and I think if we had a voice in paying them, and had the chief constable up a little, we should make him more awake than he is.

1220. Lord *Edward Cavendish.*] You do not think that the ratepayers would be satisfied with forming part of a board, merely to audit the accounts?—I think not.

1221. They would wish to have the entire control over the expenditure?—They would wish to have the joint control.

1222. They would not be satisfied with auditing?—I think not.

1223. Would not a financial board be some considerable expense to the county; would they not require to have a clerk more or less than they have now in the county?—No, I think not. I do not think that they would increase the expenditure of the county at all. I think they would act more in union with the magistrates, and that there would not be any separate clashing between them.

1224. *Chairman.*] Is it the system in your county generally to grant leases?—I am sorry to say that granting leases is getting out of fashion now; but it used to be general in the county. It makes bad farming, if you put people, who have been accustomed to leases, to yearly tenancies, they never farm well after it, I think.

1225. Mr. *Scourfield.*] Do you know who the magistrates are who generally attend the quarter sessions; do you ever go to the quarter sessions?—I go occasionally, when I have any business there.

1226. Are any of the magistrates whom you know, and who attend the board of guardians, large ratepayers themselves as well as owners of land?—The *ex officio* guardians who attend our board are principally clergymen. There is Colonel Anstruther, he is a large ratepayer.

1227. If a magistrate is, himself, a large ratepayer, he would have as much interest in keeping down the rates as any ratepayer who was not a magistrate, would he not?—I think he would.

Mr. Amis Hempson, called in; and Examined.

Mr *A. Hempson.*

1228. *Chairman.*] Have you heard the evidence given by the last witness?—Yes.

1229. Do you concur generally with what he has stated?—Generally, I do.

1230. Where do you reside?—At Ramsey, in Essex.

1231. Do you fill any public situation?—Merely that I am vice-chairman of the board of guardians of the union in which I reside.

1232. Is it a large union?—Yes.

1233. Do you hold land in the union?—Yes, I am a large farmer and maltster.

1234. Have you paid much attention to the subject under inquiry here?—Yes, I have, because I introduced the subject to the Chamber of Agriculture in our county.

1235. In the county of Essex, is there any strong feeling upon the subject?—There is a very strong feeling indeed upon the subject in many parts of Essex.

1236. Do you speak for the whole county?—The northern division principally; in the Braintree district there is a very strong feeling indeed, so much so that gentlemen say that they do not care whether a man comes forward as a Conservative or a Liberal; if he will support this movement they will vote for him.

1237. Do you think that the feeling on the part of the ratepayers in Essex arises from dissatisfaction with the mode in which the business is transacted, or from the pressure of the rates, or from any other cause?—The dissatisfaction arises from the wish to have a voice in the expenditure; they are not dissatisfied with the magistrates generally; the magistrates, as a rule, are popular in the county, but they simply wish to have a voice in the spending of their own money.

1238. Are the county accounts published in your county?—They are published in the newspapers, and this abstract is sent to the different boards of guardians (*handing the same to the Committee*).

1239. Can you state to the Committee what is the amount assessed in your county?—The standard for the county rate is as nearly as possible 2,000,000 *l.*

1240. How much in the pound would the rate be?

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e ?—The county rate is three-halfpence in the ound, the police is three-halfpence, and the unatic asylum building one halfpenny; that makes threepence-halfpenny.

1241. Then this return which I hold in my and, which has been sent to Parliament by the ounty treasurer of your county, is erroneous, nasmuch as it states that the total poundage ates during the year in the eastern division was twopence-farthing in the year 1867?—My nly guide is the abstract which I have handed n to the Committee, and there you see it is tated three-halfpence in the pound, the county ate, the lunatic asylum one-halfpenny, and the olice three-halfpence.

1242. Can you state whether the county rates n your division have increased or decreased, or een stationary in the last few years?—The ounty rates have remained about the same; of ourse, we have had a considerable addition on ccount of the lunatic asylum, which has been uilding, but otherwise the rates have not raised materially for the last few years.

1243. You say that there is a very general eeling upon the subject in the county; do you elieve that that feeling arises more from the advocacy of the principle than from any grievance hat the ratepayers complain of in the administration of the county rate?—It is the advocacy f the principle.

1244. You do not think that there is any general dissatisfaction with the management of the ounty rates as regards economy?—No, I do not; at any rate we are not in a position to prove t, because we are so thoroughly in the dark upon he subject.

1245. What is the nature of the financial oard that you would recommend?—I approve f the principle proposed by Mr. Wyld, as far s this: that the board of guardians should elect one half of the financial board; but I should wish them to elect the members in the same way s the guardians are elected, that is to say, the small unions should elect one, the large unions hould elect two, and extra large unions might elect three; and I would have an equal number f magistrates elected by the magistrates in quarter sessions, as proposed by Mr. Wyld.

1246. You would have one-half of the board elected by the magistrates, and the other half elected by the guardians?—Yes.

1247. You heard the evidence given by the ast witness in detail; did you pay attention to t?—Yes.

1248. Generally speaking, do you agree with him?—Yes, I do, with the exception that I would have the members of the financial board elected by the guardians from their own elected members, and not from the *ex officios*.

1249. You would not give the power to the guardians themselves to elect an *ex officio* guardian?—No, I would not.

1250. Why would you not do that?—Because he magistrates would elect an equal number of their own body, and I would prefer to have the elected members of the boards of guardians who are not magistrates.

1251. Supposing that in your union there were some *ex officio* guardian who paid great attention o financial affairs, would you exclude him simply because he was a magistrate?—The magistrates would elect him, probably, but the board should not elect him.

1252. But supposing that the magistrates did not elect a magistrate of your union whom you thought capable of acting with great advantage to your interests, would you exclude him simply because he was a magistrate?—Yes, I would.

1253. Why?—Because I would prefer having one half of the financial board men who were considered to be earning their own living.

1254. Supposing that the magistrate is cleverer and more efficient than any other member of your board of guardians, why would you exclude him simply because he was a magistrate?—I have not any experience in that, because we have no *ex officios* who do attend our board; they leave the business entirely to the elected guardians.

1255. However, you would restrict the selection to the elected members of the board of guardians?—Yes.

1256. You have got in your hands the published accounts of your county; will you point out how those accounts could be published in greater detail, so as to give the ratepayers a more accurate knowledge of the manner in which their money is expended?—Here the salaries are all lumped together, and the different expenses are put down in no detail at all. We merely get the expenses for food, and clothing, and salaries, and things of that sort; so that we do not know whether the magistrates go to work economically or not. We see that they spend 3,000 *l.* for this thing, and 1,000 *l.* for another, but we know nothing as to the propriety of the expenditure.

1257. Take the lunatic asylum; can you tell the Committee what salary is given to the superintendent of the lunatic asylum?—Yes; because the lunatic asylum publish their accounts in detail.

1258. We will go to the gaols; can you not ascertain from the account what is given to the gaoler?—No.

1259. How are the gaol expenses entered in that account?—They are entered in this way:—Diet, 1,500 *l.*; clothing so much; salaries and pensions, 2,780 *l.*; and incidental expenses, 1,000 *l.*

1260. Have you no knowledge of the details of those items?—None whatever.

1261. And that is what you wish to have?—Yes; that is it.

1262. Has the Highway Act been put in force in Essex?—Only recently. There have been one or two in existence in a distant part of the county, and a highway board is now being organised for the rest.

1263. What is the longest period in which the Highway Act has been put in force in any of the divisions of Essex?—I think three or four years in the Dunmow district.

1264. Can you speak, from your own experience, whether in that district there is any great dissatisfaction with it?—I do not know. It is entirely on the other side of the county from me.

1265. In your part of the county it has not been put in operation?—No.

1266. Is there much feeling about it?—There is a very strong feeling against it. The magistrates took the opinion of my hundred, and I think that the surveyors were unanimously against it, and, consequently, our hundred is excluded from the operation. We are the only hundred that is excluded.

1267. Have you had any public meetings in your division of Essex upon the subject of financial boards?—Yes.

1268. Where have those meetings been held?—At the Chamber of Agriculture.

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1269. How was it discussed; was it brought forward, do you think, by the general voice, or by some individual propounding it to the chamber?—It was brought forward and discussed; there were pretty nearly 20 magistrates present, and a very large number of ratepayers, farmers, and others. The magistrates supported their view of the case, but there was a very large majority against them; in fact, I believe they were supported by only one or two of the general body of ratepayers.

1270. Who propounded it to the meeting?—I did.

1271. I presume, from the evidence which you have given here, that the observations with which you laid the matter before the meeting did not comprise any complaint of the expenditure of the county finance?—No.

1272. You recommended it simply upon the ground which you have recommended it here?—Yes.

1273. Do you think that that was the view taken generally by the Chamber of Agriculture?—I think that that was the general view; there were some exceptions to it, but that was the general view decidedly.

1274. And you think that it would give general satisfaction if the board were constituted of one half magistrates and one half ratepayers?—I do.

1275. Admiral *Duncombe*.] If the finance board were established in the way you describe, of course putting out of the question altogether the *ex officio* guardians, would you exclude any person not a guardian, or would you confine the election entirely to your own body?—I would confine it to our own body.

1276. Do you not think that there are many very desirable men living in the neighbourhood, who decline to become guardians, but who at the same time would be very valuable members of the finance board?—I do not think there are such men within my knowledge.

1277. Do you always find the most efficient men in the district ready to act as guardians?—Yes.

1278. Therefore you would confine the election to one of your own body?—Yes.

1279. Have the rates, particularly the police rate, increased of late in your district?—Not that I am aware of.

1280. Has there been any increase of the police force?—No.

1281. Mr. *Wyld*.] When you speak of the Chamber of Agriculture originating the movement, it is simply because they have an organised machinery, that they have become the exponents of public opinion in your district, as I understand?—That is the reason.

1282. It is not because the Chamber of Agriculture has been agitating the matter, but they have been merely used as the instrument of expressing the opinion of the farmers and ratepayers?—That is so.

1283. If the Chamber of Agriculture had not existed, you would not have had public meetings which would have expressed the public opinion in the same way?—That I cannot say, of course; but there has been a very strong feeling for some years amongst the boards of guardians and others upon the subject.

1284. You are in favour, are you not, of restricting the election to elected boards of guardians only?—To elected members of boards of guardians.

1285. When you say that you have looked at the Bill which has been proposed during the last Session of Parliament, have you looked at the machinery of the Bill?—Yes.

1286. Do you approve of the machinery of the Bill?—Yes, I do.

1287. Do you think it right that the members of the financial board should be elected for three years?—Yes, I quite approve of that.

1288. That one-third should go out annually?—Yes.

1289. Whether they be elected the next year members of the board of guardians or not, you would have them continue in office for three years?—Yes, I quite approve of that.

1290. Have you any remarks generally to make with regard to the machinery of the Bill?—One thing I object to in the Bill is, that it gives nearly the sole charge of the lunatic asylum to the magistrates, and it is proposed to be retained by the magistrates; I should prefer the entire charge of the lunatic asylum being with the financial board, because I consider that it is a matter entirely relating to the ratepayers, and should be in their hands.

1291. Do I understand you to mean that the financial board should control all the internal management of the lunatic asylum, and not confine themselves simply to the building and structural arrangement?—Yes, they should have control over the entire management of it.

1292. Would the elected members of the boards of guardians, do you think, from their position and education, have sufficient knowledge of matters generally to act as a committee of visitors, and to control the lunatic asylum in your county?—I think that if the financial board was composed of one half magistrates, there would be no difficulty in getting the elected members to act with them efficiently.

1293. Those elected members you think would be of sufficient standing and education to enable them to enter into all the matters of general control with the magistrates?—I think so.

1294. Would you have any difficulty in the county of Essex in finding individuals who would attend the county financial board?—I do not think that we should. I think that there are two or three men to be found in every union who would attend, and give their time to it.

1295. Would you propose to send them from the union, they themselves being resident in the union?—Yes, decidedly.

1296. Mr. *Scourfield*.] I think you said that you are vice-chairman of your board of guardians; do you know what the average annual rate in the pound—the poor rate—is in your district, as administered by your board?—About 1 *s.* 5 *d.*; that is, exclusive of the county charges.

1297. And the county charges amount to $3\frac{1}{2}$ *d.*?—Yes, as I gather from the printed abstract.

1298. In fact, the county rate is about one-fifth of the whole rate that is administered by the board of guardians?—Yes; but I should say that, in addition to this, there would be the charge for the maintenance of the lunatics, over and above the rate that is made upon each union.

1299. Supposing that this board were elected equally of ratepayers and magistrates, do you imagine that there would be any questions upon which the elected members of the financial board

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d the *ex officio* members would take separate ews as a body?—Very likely there would, but think that there would be no difference be-veen them, and that they would act harmoniously gether, so far that the majority would rule.

1300. I did not mean to ask you whether you ippose that there would be any difference of pinion amongst them all, but whether you think iat any question would arise in which the ected members as a body would take a dif- rent view of the county expenditure, and ex- enditure from the *ex officio* members as a body? -I do not think there would.

1301. Mr. *Kavanagh.*] I am not quite clear hether I understood you to say that you be- eve that there have been any extravagances in ie management of the county business?—I am ot aware of any, but, as I said, we have no ieans of knowing whether economy is exercised r not.

1302. Is it your private opinion that that is ?—I do not think that there could be ny serious reduction in the present expendi- ure.

1303. You do not think that, by constituting he board which you propose, there would be any reater economy?—No.

1304. Or not much, at all events?—Not to any aterial amount.

1305. You stated that you would put the unatic asylum under the financial board. When ou had that financial board, of how many mem- ers would you have it constituted?—I would ave one for each union, and for the large unions wo, and for an extremely large one, like our nion of West Ham, which includes the Victoria Docks, I would have three. That in our ounty would give about 28 or 30 elected embers.

1306. That would give something near 60 on he financial board?—Yes; there would be 50 or 0 constituting the entire committee.

1307. Mr. *Kendall.*] With regard to the luna- ic asylum, do you know whether your board ave paid the money in one year, or did you borrow the money and spread the repay- ment over a series of years?—The repayment is spread over a series of years.

1308. You would like the financial board to have the lunatic asylum under their charge?—Yes.

1309. That is to say, one-half of the ratepayers should take that matter into their own hands?—Yes.

1310. Of course, if that were the case, you would have a portion of the ratepayers from the elected guardians on the visiting committee?—Yes.

1311. And that would also extend to the county gaol?—Yes.

1312. I presume you fancy that, unless they formed part of the committee, they could not really understand how to judge of the propriety, or otherwise, of the expenditure?—That is my view.

1313. You were asked whether you thought that, if they were elected, they would attend. Have you any doubt upon that point?—No; I think that they would attend certainly.

1314. Even though it might be at a considerable expense to themselves?—Yes.

1315. I am inclined to think that you are quite right, as far as your county is concerned; but do you know much of England, generally speaking?—No; I pretend to know nothing but my own county.

1316. How many gentlemen compose your board of guardians?—Thirty-six.

1317. Can you give a rough estimate of the average rental of those men; are they 500 *l.* a-year, upon the average?—Yes, I should think that would be about the average.

1318. A gentleman just now gave evidence to the effect that he would not at all object to a ratepayer in the union being chosen by the board of guardians, in case any of the board of guardians did not wish to take office on the financial board; but I understand you to object to a magistrate, because that would destroy the balance?—Yes.

1319. As you would prefer half-and-half, that would destroy the balance; but you object upon that score only?—Yes.

1320. You would exclude any very valuable man, rather than destroy the balance; but if he was so valuable, you think the magistrates might elect that man themselves?—Yes.

1321. On your board of guardians, do not men of great experience sometimes give place to younger men that come in?—Out of our 36, or 38, we do not, on the average, change more than five a-year.

1322. Supposing that it happened in other unions, as it does happen, that the changes are very considerable, and that thereupon some of the most experienced men are out of the union; might it not be desirable, if the board of guardians found that some of their best men were out of office, that such persons might be elected by those boards of guardians, as being the men to represent the ratepayers?—There is this objection to that; I should like the whole body of the ratepayers to be represented at the financial board; and if you elect a man, who is not a member of the board of guardians, he is merely elected by the 30 or 40 members of the board of guardians, and not by the ratepayers generally.

1323. Mr. *Dent.*] In your idea, the power of the board would extend to the complete control over the county expenditure?—Yes.

1324. For that purpose, I suppose it would be necessary that the members of the police committee should have the appointment of the chief constable?—I do not know sufficient of the magisterial business to give an opinion upon that subject.

1325. Would you also wish them to have the election of the gaoler and other officers?—No; I think that that must rest with the magistrates.

1326. Still, if they are to exercise control, they are to fix the salaries, I presume, for those officers?—I presume so.

1327. Would you have them fix the salary of the chief constable and other officers of the police force?—Yes; I presume so.

1328. But yet you would not let them have the election of the officers?—I think that that should rest with the whole body of the magistrates.

1329. Excluding the elected members?—Yes.

1330. Would you wish also to give the board authority for the adoption of the Highway Act or anything of that kind that might be imposed by Parliament upon the magistrates?—No; I would not.

1331. With regard to the adoption of the Highway Act, which has caused such general dissatisfaction

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dissatisfaction in many counties, if it is done by the magistrates, you would still leave that power, or a similar power, in their hands?—Yes; I think so.

1332. Lord *Henley.*] You say that you have looked at this Bill of Mr. Wyld's; have you looked at it with care?—Yes.

1333. It establishes a financial board, does it not, with a concurrent jurisdiction with the magistrates?—No.

1334. Do you think that that would be likely to work satisfactorily?—I think it would.

1335. You would not, I suppose, wish to see the duty of the magistrates as far as it exists, as conservators of the public peace, at all taken out of their hands?—Decidedly not.

1336. Do not you think that it is possible that the magistrates might find that where they considered expenditure necessary towards the proper conservation of the peace, the financial board might be apt to hold the string of the purse tightly, and not allow them money enough?—I do not think they would; not in my own county certainly.

1337. You do not entertain any fear of any collision between the two bodies upon such a subject as that?—No, I do not.

1338. Supposing that the magistrates were to say, with regard to the superintendents and the chief constable, that such and such salaries were absolutely necessary for the proper performance of their duties, you do not entertain any fear that the financial board might say, "Those salaries are much too high, and we cannot allow them?"—I do not think that they would be found to do so.

1339. Do you think that the financial board would be willing to vote sufficient sums to meet the views of the magistrates in everything?—I think so, if the views of the magistrates were reasonable.

1340. Do you not think that it would be better if the whole of the fiscal business of the county were managed by one body, not a financial board, with concurrent jurisdiction with the magistrates, but by a body composed partly of magistrates and partly of persons elected by the ratepayers, because the Bill would leave a part of the finance in the hands of the magistrates, and would put certain portions of it into the hands of this financial board; and I want to know whether, in your idea, that is likely to work well?—If I understand the Bill correctly, it proposes to give the whole of the financial power to the financial board.

1341. Lord *Edward Cavendish.*] When it has been discussed in your county, has the idea ever been started of paying the expenses of the members of the financial board?—No.

1342. Do you think that the elected members would not require their travelling expenses paid?—No, I should think not.

1343. They would be all willing to work voluntarily, would they?—Yes, I think so.

1344. As it is at present, supposing the ratepayers feel that there is an expenditure for a purpose that they think improper, have they any means of expressing their dissatisfaction at any payment of that sort?—The magistrates would be always ready to listen to anything of that sort.

1345. What means have they of expressing their opinion?—By memorial to the quarter sessions. On the question of adopting the Highway Act, memorials have been presented to the quarter sessions, and I believe that any body of men who had a grievance would find a magistrate quite ready to bring it forward.

1346. Mr. *Kendall.*] Can you account for the discrepancies between the abstract of accounts supplied to you or your board of guardians by the clerk of the peace, and the county treasurer's return that is furnished to Parliament?—I cannot account for it. You will see that the abstract is signed by four members of the committee of accounts.

1347. Lord *Henley.*] Is the interest of the debt in it?—Yes, that is also given. The interest of all debts is accounted for there.

1348. Mr. *Kavanagh.*] With regard to the Highway Act, I think you said that you would leave the application of the Highway Act entirely under the magistrates?—Yes; I would not mix up the Highway Act with this new financial board.

1349. Surely the tax under the Highway Act affects the ratepayers just as much as any other rate?—That tax is entirely local, and is confined to each union, and to each parish in that union. As the Act now stands, each parish bears its own expenses. It is not a union charge even, much less a county charge.

1350. Lord *Henley.*] It is a charge thrown upon the ratepayers by the magistrates in quarter sessions, is it not?—It is merely an alteration of the charge. Each parish pays its own expenses for the maintenance of its own highways.

1351. Mr. *Wyld.*] Have you had any experience of magistrates and ratepayers acting together on public matters in the county?—The magistrates very seldom come to the board of guardians, but in the case of the cattle plague committees they all acted together.

1352. And upon the assessment committee?—Yes, upon the assessment committee the same.

1353. Did they act harmoniously?—Decidedly so.

JOHN CURTIS HAYWARD, Esq., called in; and Examined.

J. C. Hayward, Esq.

1354. *Chairman.*] ARE you Chairman of the Quarter Sessions of the county of Gloucester?—Yes.

1355. And are you chairman of the county finance commttee?—Yes, I am chairman of the general finance committee; there is a sub-finance committee of which I am not the chairman, but I have the general finances of the county under my supervision.

1356. How long have you held the office of chairman of quarter sessions?—For five years; and I have been a member of the finance committee for 20 years altogether.

1357. Could you state to the Committee what is the amount of the total assessment for the county rate in your county?—It is assessed at 1,726,000 *l.*

1358. What is the total poundage rate upon that?—The poundage raised last year was 1½ *d.* upon the general rate, and 2¼ *d.* upon the police rate, the total amount being 3¾ *d.*

1359. How is your county expenditure managed;

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ged; by an assessment committee, or what?—he county expenditure is managed by a finance mmittee, who meet the day before the quarter ssions.

1360. How is the finance committee elected? -It is elected by the magistrates in quarter ssions.

1361. Every year?—Yes; they are elected ery year, but they generally go on; it is minally an election every year, but there are t very often changes; all the committees are ected annually.

1362. Do they orginate the expenditure, or do ey merely audit the accounts and check the ccounts of the county?—They audit the ac- unts of the county; they audit the accounts incipally, although matters of expenditure hich are proposed are generally brought before em beforehand.

1363. In the appointment of officers and sala- es, have they any voice in the matter?—That pends upon whether they are a particular com- ittee; the police committee would be separate om the finance committee, and they would con- ler with regard to the salaries of the police ficers under the Act of Parliament, and the siting committee of the prison would consider to the prison

1364. We will take the police first; that forms very serious item, does it not, in your county penditure?—It is the largest item.

1365. Do the police committee decide upon e amount of salaries, and the management of the lice altogether?—Yes; of course what they opose is submitted to the sessions.

1366. Do you recollect the number of the lice of the county?—I think there are about 0.

1367. How many superintendents have you? -Ten, including the deputy chief constable.

1368. Do you recollect the salaries of the dif- rent classes of the police?—We have a chief nstable, at a salary, including all expenses, of 0 *l.*

1369. When you say all expenses, does that clude travelling expenses?—Yes; it does in- ude travelling expenses; he has a salary of 0 *l.* and 100 *l.* for travelling expenses. The ommittee of course are aware that we have ly a little margin in these matters; the Secre- ry of State settled what the salary should be, aving us a small margin.

1370. Does the Secretary of State settle the lary of the chief constable?—Yes, he does; he ys that it shall be not less than 300 *l.* a year, or ore than 500 *l.*; it is within a certain limit, and he does with regard to all the salaries of every liceman.

1371. But the magistrates have the control yond the minimum fixed by the Secretary of ate, have they not?—We have the control ithin the maximum and the minimum; we can- t go below and we cannot go above; and that ith the policemen is not very large. We have been liged to raise the salaries of all our policemen ithin the last two years, in consequence of rections from the Secretary of State.

1372. That has been the case all over England; t I understand you to say that you have not e control, except between the minimum fixed the Secretary of State and the maximum?— o; the maximum and minimum are both settled him.

1373. Does that maximum, as laid down by him, include travelling expenses?—The directions are for the salary without expenses, and then a certain amount may be allowed for expenses beyond this.

1374. I understand you to hold that the magistrates have very little control, as magistrates, over the police expenditure of the county?—Very little; at least we have a certain control, but it is a very limited control.

1375. Do you regulate the number of policemen?—We do not exactly, because we were obliged to increase the number of our police by order of the Secretary of State, in this way: that at present the Government pay a proportion of their expenses if the force is represented by the inspector to be efficient. We were informed about four years ago, that in some portion of the county the police were not supposed to be sufficiently numerous, and we were recommended by the Secretary of State to increase the number, with an intimation that, unless it was complied with, our force on another occasion would not be considered efficient without it.

1376. The allowance would not have been paid?—We understood that until there was a representation that they were sufficient we should not get the allowance; and therefore the magistrates, who would have been unwilling to increase the expenses, felt themselves compelled to do so.

1377. Does that observation apply to the increase of the salaries of the police also?—Yes; because two years ago we had a fresh order sent down to us, and we were obliged to increase the salaries of the policemen, I think, as much as 1,800 *l.* a year.

1378. Did the order from the Secretary of State specify the actual amount of increase of salary?—No; it gave a little margin between such and such an amount; that a first class constable should receive within certain limits, and a second class constable so much, and the superintendent so much; and the consequence was, that we were obliged to raise the salaries of most of our grades.

1379. I collect from what you say, that you think that if financial boards, for instance, were to be established in your county, they could have very little control as regards the police?—Very little indeed, with regard to the salaries of the police, and I do not think very much with regard to other expenses; because there is no doubt their expenses have not been diminished, but rather increased by the allowance which we have received from Government. Our police now cost us more than they did at the time when we did not receive the one fourth from the Government; at least, that is including the expense which we were obliged to go to in building stations. I may say that we were compelled to do so, because unless we got a certificate of their efficiency we should not get the one-fourth. No doubt, in consequence of this, the police are more efficient.

1380. Now, take the office of clerk of the peace; what is the salary of your clerk of the peace?—The salary of the clerk of the peace is 1,100 *l.* a year, and we receive from him the fees; certain fees which are payable to the clerk of the peace under the present law are repaid by him; the amount of those fees last year was 307 *l.*, leaving a balance to be paid by the county of 792 *l.* 18 *s.* I find that, 20 years ago, before we paid him by salary, the amount paid by the county

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county to the clerk of the peace was 947 *l.* 5*s.*; therefore the county is a gainer by paying him a salary.

1381. Does your clerk of the peace act in person or by deputy?—By deputy.

1382. Do you know what he pays his deputy?—I do not.

1383. How long has he acted by deputy?—He has acted by deputy ever since he was appointed.

1384. When was he appointed?—He was appointed by the late Lord Lieutenant, I suppose about 14 or 15 years ago.

1385. Is he a person in the law?—No, he is not; he was a relation of the late Lord Lieutenant, who, of course, never could be expected to exercise it in person. The interests of the county have not so far suffered, because the result was that a very efficient person, who had been clerk to the late clerk of the peace, and who thoroughly understood all the affairs of the county, was appointed as his deputy, and conducts the affairs, I believe, to the satisfaction of everyone.

1386. Do you hold that, as magistrates, you have the sole control of the salary which should be awarded to your clerk of the peace?—We examined what fees he was entitled to before, and we calculated his salary upon the different fees, and the allowances which he had been entitled to for several years before.

1387. How was it carried out?—We examined very carefully into it.

1388. Was the change carried out by the vote of the magistrates that it should be so?—Yes; we had the power of paying him by salary instead of by fees, and it was agreed to, with the consent of the Secretary of State.

1389. When you fix the salaries, do you make any reference to the amount of duty to be performed?—To some extent we do, but in this case the principle was considered as to what was the previous amount which had been received.

1390. If you had a new clerk of the peace, would you fix his salary at the amount at which it was fixed for the present one?—I do not know; I think that if the present deputy clerk of the peace was appointed, supposing a vacancy was to occur, and the present deputy clerk of the peace was appointed, I should not think that he was very much overpaid; he has a great deal of work to do; I should think probably he is underpaid at present; I do not know what the clerk of the peace gives him.

1391. Mr. *Kendall.*] What is the reputed sum?—I do not know; his business is considerable; he is a solicitor, but he does not act as a solicitor; he confines himself entirely to the duties of clerk of the peace; he does all things with regard to registration, and prepares the list of voters, and everything of that kind.

1392. *Chairman.*] I understand you to say that you consider that, as magistrates, you have the control of the salary of your clerk of the peace, and that you would make it more or less, according to the best of your judgment?—We could alter it, but I am not quite prepared to say to what extent; it was some years ago that the salary of the present clerk of the peace was fixed.

1393. In the event of a new appointment, would you have the power of reducing the salary?—I am not quite prepared to answer the question as to whether we have that power or not; there is no doubt that we have made a beneficial arrangement for the county by the arrangement that we made with him. I do not know how far now we might go in that direction, since many of those fees of the clerk of the peace which we have taken were fees to which he was entitled by custom and by Act of Parliament, which we have not any control over.

1394. Will you now go to the gaols; how many gaols have you in the county?—We have now only one.

1395. At what charge does that stand in the statement of the county expenditure?—The gross amount charged has been 5,292 *l.*; from that may be deducted 1,154 *l.*, which has been paid for prisoners by the Government; therefore there is about 4,000 *l.* cost to the county.

1396. Of that, how much is paid in salaries?—Of that 2,740 *l.* is paid in salaries.

1397. What is the chief salary?—The chief salary is the gaoler's, 340 *l.*, which has been raised now to 400 *l.*

1398. With a house, I presume?—Yes; with a house, and fire, and coals, and candles.

1399. What assistance has he?—These things are all stated in the account; our statement gives the salary of every official.

1400. What is the average number of prisoners that are confined in your gaol?—About 230 now.

1401. You mean that from year's end to year's end it would be about 230?—Yes; this is about the daily average of prisoners in the gaol during the last year.

1402. What is that large amount of salaries composed of?—It includes superannuations.

1403. Will you give us the amount of the salaries first, and superannuations next?—There is a governor at 340 *l.*; a chaplain at 250 *l.*; a medical officer at 162 *l.*; a deputy governor and head officer of the separate prison at 105 *l.*; one principal warder at 66 *l.*; another principal warder at 63 *l.*; an under-warder at 52 *l.* 10 *s.*; another under-warder at 55 *l.*; and there are six under-warders receiving in the aggregate 239 *l.*; the head officer of the gaol, 55 *l.*; the treadwheel officer, 52 *l.* 10 *s.*; the second treadwheel officer, 50 *l.*; the head officer of the debtors' prison, 50 *l.*; the out-door officer, 51 *l.*; and the matron and head-officer of the female prison, 75 *l.* 4 *s.*

1404. Without going through all that, have the magistrates of your county had their attention directed to the expenditure upon those items in other counties besides the county of Gloucester?—Yes, we have.

1405. Can you state whether, compared with the charges in other counties, they are above the average or under?—We find that our pay is below the average of other counties, and that is one ground why we raised the salary of the governor. We found that it was very much below the average of governors in other prisons of the same description, and, therefore, we raised his salary. I may say that a very considerable diminution has taken place in the expenses of our prisons; and if I were to tell you what it was 20 years ago, you would see what the expenses have been. The expenses of our prison this year being 5,292 *l.*; in 1857, they were 6,186 *l.*; and in 1847, they were 8,592 *l.*; and the salaries have been reduced 600 *l.* in that time; that is in consequence of our being able to shut up the Houses of Correction.

1406. Have you any lunatic asylum in the county?—Yes; a large one.

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1407. Will you state the county expenses of he lunatic asylum?—The county expenses of the unatic asylum last year were 1,898 *l.*; that inluded 242 *l.* 12 *s.* 11 *d.* for rent of land, and a uperannuation to the late superintendent and to he late clerk of the asylum of 349 *l.* 9 *s.*

1408. What is the salary of the present superntendent?—The salary of the present superinendent is 500 *l.*

1409. How many lunatics has he under his harge?—He has 590 lunatics.

1410. Have you made a comparison with other ounties in that respect?—I think we are rather elow, and we are talking of increasing his salary, or he is a very efficient man.

1411. Can you state what is the charge per unatic in your lunatic asylum?—Eight and sixence per week.

1412. Will you now take the county bridges; hat is the expense of the county bridges; and, rst of all, have you a surveyor of bridges?—We ave a county surveyor, and a county clerk of he works.

1413. What is his salary?—The county sureyor has a mere nominal salary of 20 guineas a ear for looking over the bills, that is five guineas or attending each quarter sessions and reporting pon the bills.

1414. He is not a practical surveyor, is he?—No, he is an architect; he is paid a per-centage pon any work which he does; we have another an, who is our clerk of the works, who is a pracical man, and he receives three and a half uineas a week.

1415. Could you state the total charge?—The otal charge for the county bridges was 31 *l.* 10 *s.* for the repairs of the bridges last ear, and the salary of the county surveyor, inluding the clerk of the works and travelling exenses, was 218 *l.* 15 *s.* 6 *d.*, in all which items here has been a diminution during the last 10 r 20 years; 10 years ago it was 364 *l.* for ridges, and county surveyor 214 *l.*; and 20 years go it was 461 *l.* for bridges, and 246 *l.* for county urveyor.

1416. What is the next heaviest item that you ave?—The only other item in which we have ncreased is in the judges' lodgings now, which ve had not had before; and last year, including urniture, painting, and so on, it was 517 *l.* 18 *s.*

1417. How did that change come upon you; was it by your own choice?—It, to a certain xtent, was optional on the part of the county; here is a statute which enables the county jusices to provide lodgings for the judges, but it is ot compulsory. The judges had complained for great number of years of the very bad accomnodation which they had received; they were lways complaining to the magistrates, but as ong as they could be provided for elsewhere, he magistrates would not take any measures hemselves towards providing anything; but at ast, notice was given that some person had made n offer for the place where they were provided or before, and that unless the justices would onsent to rent it, it would be let to somebody lse, and the judges might look out for their odgings.

1418. Previously, how were the judges accomnodated; was it at the expense of the county?—No, the Treasury paid for them; they paid the ent, and we now receive the Treasury rent; we eceive 75 *l.* an assize, or 225 *l.* a year from the Treasury, and we therefore bought some premises and altered them, and the amount in the return is for completing and fitting them up.

1419. Those, I believe, are the chief county items of expense?—Yes, they are the chief items. There is also the Shire-hall, and the repairs of buildings. I should observe that the coroner is one of the largest items. We have made a considerable diminution in the expenses of the coroners, although that is a matter in which the magistrates have very little discretion; they are now paid by salary, whereas formerly they were paid by inquests.

1420. Who settles the coroners' salary; is it the Secretary of State?—It is settled by the magistrates, in the first instance, upon the average of what they had received before, under the control of the Secretary of State; and, in one instance, the Secretary of State overruled what we did, and increased the salary which was settled by us.

1421. So that the expenses of the coroners the magistrates have no control over?—We have no control over the expenses of the coroners now at all, and with us they have diminished to a certain extent; in fact, all our expenses are diminished.

1422. Have you ever made a calculation as to what proportion of the expenditure of the rates of your county are out of the control of the magistrates?—That depends upon what extent you call it control, because of course, in most matters, the magistrates have some slight control; but in everything, almost, they only act by the direction of the Act of Parliament. But, until Parliament settles exactly what the salary of everybody shall be, or how everything shall be done precisely, by a fixed rule throughout the country, you must leave a discretion in some one; and that discretion is all that the magistrates exercise. In many instances it is a very small discretion, and in some instances it is a large one. Our largest discretion, I suppose, is in regard to buildings, and things of that sort. But, whoever has the control of them, there must be a discretion left to some one, and the magistrates do exercise a certain amount of control.

1423–4. Is there a large body of magistrates in Gloucestershire?—Yes, very large. There are about 250 acting magistrates.

1425. I suppose, from your position, you have a very accurate knowledge of the position in life of most of them; should you say that they are amongst the chief ratepayers of the county?—A great many of them are. There are a number of large ratepayers who are not magistrates; but there are a great many magistrates who are large ratepayers, and they comprise our large proprietors, as well as the actual ratepayers.

1426. What should you say was the average attendance of magistrates at Gloucester at the quarter sessions when the county expenditure is discussed?—I should think 50, on the first day of the sessions.

1427. From your observation, you say that great attention is paid to the county expenditure?—Yes; I think there is. I may tell you that this last year 1867, you will see by the abstract that, for general purposes, we have only raised 10,558 *l.* but I ought to add to that over 2,000 *l.*, by which the balance of the treasurer was reduced; therefore, there was 12,570 *l.* raised for county purposes; in the year 1857, there was 20,000 *l.* raised; in the year 1847, there was 23,000 *l.* raised; in the year 1840 there was 15,107 *l.* raised; in

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1830, there was 16,555 *l.* raised; in 1820, there was 16,908 *l.* raised. Therefore the actual expenditure for the county, which has enormously increased in wealth and property, that is to say, the amount now raised for the county rate, except the police rate, which is a new rate entirely, is less than it was in the year 1820, or any succeeding year. And we have no debt, we never get into debt, we do not borrow.

1428. How did you pay off the debt upon your public buildings?—I should not say, perhaps, that we never borrow, because when we incurred an expense of 40,000 *l.* in 1843 for our gaol, we then ran it over four years, but we never exceeded a rate of above fourpence in the pound; and it was paid off in four years.

1429. And that by only raising the rate fourpence in the pound?—Yes; we have laid out large sums in that way at different times; but that has been the principle with us. In fact, as different things arise at different times we pay them off; it produces economy, and more carefulness not to borrow.

1430. When it comes in your county to a question of whether a salary shall be raised or diminished, how is it proposed to the magistrates in quarter sessions, by an individual or by a committee?—Almost invariably, the raising of any salary would be recommended by a committee, and, unless it had been recommended by a committee, it would generally be referred to a committee. If an individual moved it, it would be referred to a committee of magistrates, and upon their report the court of quarter sessions would act. They might or might not agree with it, but they probably would agree with the committee generally.

1431. Can you state what the general feeling of the ratepayers in the county of Gloucester is with regard to county expenditure?—I never heard an expression of feeling, and I do not think that there is any particular feeling in Gloucestershire about the matter. I never heard the question mooted; I believe the ratepayers are satisfied. We have tried to look after their interest, and I never heard anything of the sort that has been mentioned by other witnesses.

1432. Have you any chamber of agriculture in the county?—Yes, we have a chamber of agriculture.

1433. Is that a county board?—Yes, it is a county board. I believe there are more than one county board; there is one in Gloucester I know, and I believe there is another in the county at Cirencester.

1434. Do you think that those boards comprise the great body of agriculturists in the county?—I do not know whether they do or not; there are a good many of them. At Cirencester, probably, there are a good many, but they may not comprise them all.

1435. Have you not heard that the question of county financial boards has been mooted at any of those boards?—I have not heard of it, and I do not think that it has been.

1436. Has your observation been sufficiently extensive in the county to give an opinion of the composition of boards of guardians, whether they are composed in your county chiefly of the principal ratepayers?—I perhaps cannot tell sufficiently. I imagine that they are to a great extent, but I cannot speak positively.

1437. Can you state whether the *ex officio* members of the boards of guardians are in the habit of attending the boards generally in you county?—Moderately so; not so much, I am afraid, as they were at one time; but there are a good many who do attend, no doubt.

1438. Admiral *Duncombe.*] I need scarcely ask you, after the statements which you have made, about the reduction of the county expenditure of late years; but you have never had any memorial presented to the court of quarter sessions, showing dissatisfaction on the part of the ratepayers with respect to the expenditure of the county?—No, certainly not.

1439. You say that the magistrates have jurisdiction, more or less, over the expenditure, and more especially with regard to buildings; take for instance, the lunatic asylum, in the case of any additional expenditure upon the lunatic asylum, which is required by the Lunacy Commissioners, you have no alternative, have you, but to adopt it, because, otherwise, they will not certify to your building?—The quarter sessions, as a body, do not initiate expenditure with regard to the building of the lunatic asylum. Any new works are recommended by the visitors to the lunatic asylum; we then submit them to the Lunacy Commissioners, and if they are approved by them the matter is brought before the court of quarter sessions for approval before the works are carried out. The court of quarter sessions has a veto upon any plans.

1440. But virtually, if the Lunacy Commissioners desire any alteration in the lunatic asylum, you have little or no alternative, as a rule, but you endeavour to carry it out, do you not, inasmuch as they would not certify to your building, if you did not adopt the alterations which they suggested?—If you are obliged to build, or obliged to alter, no doubt you are, to a certain extent, in the hands of the Lunacy Commissioners; but you may stand upon the law, and they cannot force you to anything that is new.

1441. With regard to the gaol, if the inspector insists upon an additional number of cells, or an additional system of warming, or whatever the case may be, you must carry it out, or your gaol will not be certified to the Secretary of State as being efficient; is not that so?—You must make it efficient, no doubt. With regard to the gaol, the magistrates have a certain *locus standi* with the Secretary of State which no other board could very well have, because if the Secretary of State, through the inspector of prisons, presses us to do things which we have not hitherto done, we are able to resist it with considerable success. I have already said that a great saving has taken place in our prisons, and I might point to what took place some years ago in Gloucestershire. In the year 1843 our prisons were in a bad state, and an inquiry was made with regard to them by the Secretary of State. A commission was issued, and they made a very unfavourable report upon them, upon which the Secretary of State pressed very strongly upon the magistrates the expediency of their giving up all their prisons, and building a very large central prison, which would have cost, we found, 140,000 *l.* The magistrates resisted, and they agreed to improve their existing prison at Gloucester, which they did to a large extent. They laid out altogether 40,000 *l.* in making that prison very efficient, and the result has been that they have shut up all the houses of correction, and have reduced the annual expenditure upon prisons more than 3,000 *l.* a year.

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1442. And was that outlay of 40,000 *l.* really uggested or almost required by the State through the goal inspectors?—We laid it ut to avoid the pressure put upon us to lay out 40,000 *l.*

1443. What position would you have been in f you had not laid out that 40,000 *l.*?—We could ot very well have carried on our prison—our rison would not have been certified in any way.

1444. Then does not it come to what I asked ou just now—what jurisdiction had the magisrates over that 40,000 *l.* to make your prison fficient at the dictation of the inspector of prions?—We had very little discretion at all. The nly discretion we had was taking the lesser evil o avoid the greater one.

1445. You admit that the alternative would ave been building a new prison, at a cost of 40,000 *l.*, and you adopted the lesser evil of nproving your present gaol at an expense of 0,000 *l.*; but that was not at the suggestion of he magistrates, but was forced upon you by the ecretary of State, through the inspector of risons?—That was so. I may also mention hat, at the same time, another circumstance ook place. At the time we did that, it was hen the new system of prisons came into ashion, under the late Sir Joshua Jebb, when hey wished to give up all hard labour, and deired entirely to adopt the reformatory system of eeping the criminals in the cells. We were ery much pressed to give up our treadwheel. Ve had a large treadwheel in one part of the rison, and we were ordered, as far as I can call an order, to give it up, and to convert the hole prison into a separate prison. However, hat we resisted, and after very strong remontrances from the inspector of prisons, several ery unfavourable reports having been made for year or two, we still held on, and kept on the readwheel. Now, the result has been, that within this last two years we have had an order rom the Home Office to say that we must either ut up treadwheels or adopt some other mode of ffecting hard labour, and we should have had a onsiderable expense to incur again; but by our cting as we did, we have saved the county a very arge amount of expense.

1446. Under that head, the expenditure was ccasioned by the order of the Secretary of State, nd not by the wish or the will of the magisrates?—Certainly not at their will. In fact, here are very few things in which the magisrates can act on their own head.

1447. In the same way, with regard to your olice, if your police are reported inefficient, I pprehend you do not get your quota?—No.

1448. Consequently, if any recommendation is nade by the inspector who examines your police nnually, that you are not efficient, you are bliged to make it so before you get your quota? —Yes.

1449. Consequently, that expenditure again is y order of the Secretary of State, and not occaioned by the will of the magistrates?—Yes; and he consequence is, that our expenditure in that espect has increased, and not diminished.

1450. Totally irrespective of what might have een the wish of the magistrates in the matter? —Yes; it was not the wish of the magistrates, ertainly.

1451. Mr. *Wyld.*] I understand you to say hat the total expenditure for the last seven years has decreased in the county of Gloucester?—Yes, it has.

1452. I hold in my hand a return in which it states that, in 1859, the expenditure was 23,000 *l.*; in 1860, 19,000 *l.*; and, in the year 1865, 24,000 *l.*; and this return does not include the amount raised for police purposes?—That may be the gross amount; for, in 1865, we paid 4,500 *l.* for the purchase of land for the lunatic asylum; and it includes the amount paid for prosecutions and other items repaid by the Government, while I only stated county money spent.

1453. In 1859 the total amount levied for county purposes was 10,796 *l.*, and in 1864 it was 15,547 *l.*, that is exclusive of police rate?—Yes; that is what was raised.

1454. Then, in fact, the rates have increased? —That might happen in one year, but it is not so, taking one year with another. This year only 10,000 *l.* has been raised; but we can hardly claim that as entirely an average year.

1455. Take 1865; you raised 13,000 *l.* that year?—The amount raised for the last six years has been a 2 *d.* rate, and that would be about 14,500 *l.*, on the average of the last six years together.

1456. Then the amount raised for county purposes has increased?—No, it has not; it has diminished. I do not mean to say that in one year it may not be a little more; one year you may raise a little more, and the next year a little less, and the best way is to take the average; very likely it is as you say; it is 10,000 *l.* this year, but if you take several years together, it does not amount to an increase.

1457. You will admit that there is a difference between the year 1859, when it was 10,796 *l.*, and the year 1865, when the amount levied was 13,992 *l.*?—Yes, that depends a little upon the balance which was left; of course, one year will vary a little from another; this year it is only 10,500 *l.*, but, taking the six years together, it would be about 14,500 *l.*

1458. There is a variation of the rate from year to year?—Yes, there would be a little variation.

1459. What is the proportion of rates, do you think, over the expenditure of which the magistrates have the control?—It would be very difficult to say, but any real control is very small indeed.

1460. But would you state that they can exercise control to the extent of one-third?—Certainly not; but it would be difficult to define any exact proportion; over the coroners they have now no control, and in most other matters they only carry out the directions of Acts of Parliament; over the county bridges they have authority, no doubt. I do not know that there is any reason why they should be under the magistrates; they have been always under them, and they are part of the county expenditure, over which the magistrates have control, but they are liable to an indictment if they do not repair those bridges.

1461. Could you give anything like the percentage of the amount raised which the magistrates have any real control over?—I think it would be impossible almost to give the percentage; it is, I think, a very small percentage, indeed, that they have any control over; I do not think it could possibly be a large percentage; you can hardly say that the magistrates have no control over the county buildings; they have, no doubt,

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doubt, to some extent, but they are bound to keep them in repair. Of course, some one or other must look after those buildings, and there must be some control over them.

1462. Have you had any applications at all on the part of the ratepayers to be admitted to participate in the control of the county expenditure?—I think not; I am not aware of any application having been made in our county.

1463. Have you had any expression of public opinion in favour of it?—I never heard of any; I have never heard of any dissatisfaction; some years ago, I believe, when a good deal of expenditure was incurred about a new bridge which was built over the Severn, and when the rural police was established in 1839, there was some dissatisfaction expressed, but I have not heard of any for a great many years.

1464. I may take it that the fortunate ratepayers of the county of Gloucester never make any complaints as to their county expenditure?—I never heard of any. We publish every year a pretty full account of our expenses, and they are not only published in the papers, but they are sent round to all the boards of guardians. A good number are sent to the clerk to the guardians, so that most of the guardians may have a copy of the expenditure; therefore they know perfectly well what the expenses are.

1465. Is that account given in detail?—Yes, it is in pretty full detail.—(*The Witness handed in a copy of the accounts*).

1466. Supposing a general measure were passed by which the ratepayers were admitted to have a control over the expenditure of the rates, would there be any objection on the part of the magistrates of the county of Gloucester to allow a board composed half of ratepayers and half of magistrates to be formed within the county?—I suppose that would depend upon what matters they had control over. There are some things which I do not see how they could manage, but there are others that they might. I do not think that there is any feeling against it on the part of the magistrates, if they thought they could do any good. With regard to some portion of the expenditure, for instance the prisons, I do not think that it is possible to admit them.

1467. As a matter of general satisfaction to the ratepayers, I understand you that there would be no objection on the part of the magistrates to the formation of a county financial board, with certain prescribed functions?—That depends upon what those functions were. I have no doubt that there would not be any feeling against it on the part of the magistrates with regard to many matters; but there would be a strong feeling with regard to the prisons, and the effect would be to throw the whole of the power into the hands of the Secretary of State.

1468. Supposing the functions of the county financial board were confined to the structure merely, without interfering with the discipline of the gaol, would there be any objection?—It is very difficult to interfere with the structure of the prison without affecting its discipline. In the instance which I have mentioned, with regard to the pressure from the Secretary of State, I do not know how a financial board, who had nothing to do with the responsibility of managing the prison, could have interfered. I think the magistrates are the only body of men who are responsible in any way. They are responsible for the discipline of the prison, and I think they ar responsible for the police.

1469. The discipline of the goal and th repair and maintenance of the gaol are too dif ferent subjects, are they not?—Unless you hav proper buildings, it is difficult to maintain dis cipline. I cannot separate the subjects very wel I think, with regard to the police, it would b very defective, but there are other matters wher it might be adopted.

1470. With regard to the lunatic asylum, sup posing that the county financial board had n interference with the internal arrangements o the asylum, and that their functions were merel confined to the structural arrangements an keeping it in repair; would there be any objec tion on the part of the county magistrates t associate with them?—There would be grea difficulties in it; because you have to meet th requirements of the Lunacy Commissioners, wh come down and often want a great many thing done; and there is a good deal required in orde to keep the asylum in an improving state, and for curative purposes a good deal of expense very often of a peculiar character, is necessary t be incurred. People outside would be unable t understand the wants of an asylum properly, I think: but it is not as absolutely necessary tha the control of the lunatic asylum should be in the hands of the magistrates; whatever body i is which looks after the lunatic asylum, I should think should have a share in managing it. It i possible to put the lunatic asylum under a board but I think that that board should have the visit ing and the responsibility.

1471. Of both the structural and interna arrangements?—Yes, I think so; I do not think that you should separate them.

1472. Mr. *Scourfield.*] With regard to this treadwheel which you spoke of, if I understand you rightly, had the magistrates readily acceded to the wishes of the inspector, they would have taken down the treadwheel at considerable expense and converted the internal arrangements of the gaol at very considerable expense and they would have recently re-erected the treadwhee at very considerable expense?—We certainly should have done so if we had complied with the requisition of the secretary of state and the wishes of the inspector.

1473. But in consequence of the magistrates exercising their own discretion, and giving that resistance to the suggestion of the Secretary of State that expense was saved to the county of Gloucester?—It was saved, and I consider that no other body could have offered that resistance except the body of justices who were responsible for the good conduct of the prison.

1474. You think that a board whose mere object was financial, could not have offered the same effective resistance to those suggestions as the magistrates who are immediately responsible for the discipline of the prison?—I do not think an outside person could; because no irresponsible person, of course, could be allowed to resist an inspector.

1475. With regard to the judges' lodgings, am I not right in saying that the judges' lodgings were the subject of very notorious complaints at one time in the county of Gloucester?—They were a scandal.

1476. Mr. Justice Maule, I believe, on one occasion complained of them?—Yes, he went away

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away to Cheltenham, and would not stay at Gloucester.

1477. With regard to the management by the magistrates, have you separate committees?—Yes, we have.

1478. How many committees have you?—We have a police committee, which manages the police affairs, and which controls the expenditure, and watches and audits it; then we have a finance committee, which looks after the general finance of the county; and we have a board of visiting justices, who look after the expenditure of the prison. There is an audit also for the prison accounts, and they are all carefully gone through.

1479. Does the police committee report to the finance committee?—They would do so when they wanted anything done with regard to buildings, and so on.

1480. On an increase of pay, do they report?—Yes, an increase of pay would come at once under the finance committee.

1481. With regard to your county bridges and the approaches, are the approaches to the bridges paid for by the county?—Yes.

1482. Are they very heavy?—No, not very heavy; they amount only to 331 *l.* altogether.

1483. Do you think that any more economical arrangement could be made by getting highway boards to take them?—We generally arrange with highway boards to do it. We do it as economically as we can; but there is no reason why the magistrates should do it; there is nothing in the nature of the magistrates' office which makes them more fit than anybody else to do it.

1484. With regard to prosecutions, have you any difficulty in getting the whole sum allowed by Government for your prosecutions?—Yes, we have; they are always cutting off small sums.

1485. Does the county sustain any appreciable loss by reductions?—Yes, we sustain some loss by that; we had losses to the amount of 400 *l.* this last year altogether; at least, the cost of prosecutions exceeded by 400 *l.* what we have been able to recover from the Treasury.

1486. Mr. *Kavanagh.*] I think you stated that you had not heard any expression of opinion in your favour of this financial board movement?—I have not.

1487. Considering that the ratepayers pay the larger portion of the rates, do you think that the principle is a fair one?—That depends. Certainly there have been some people who complain; but the way we look at it is this, that, in all expenditure which is ordered by the magistracy, although ministerially under Acts of Parliament, the discretion must be somewhere or other; and, with regard to buildings, they always go to their architect or some one capable of advising them.

1488. Still, over that portion where there is discretionary, do you not think it fair that the ratepayers should have a voice?—I have no objection, but the difficulty that I see is, that they could not do it efficiently.

1489. Do you think, considering all the matters which the magistrates have to manage in your county, that associating the ratepayers with them would be beneficial or otherwise?—I do not see any great benefit in it, but as to many things, I do not see see that it might not work well.

1490. Do you think that there would be any collisions between them and the magistrates?—I cannot tell at all.

1491. Is it likely that any of the magistrates would refuse to act with them?—I should imagine not.

1492. Is such a case as that of your clerk of the peace, you mentioned the very high salary which he received; do you think that the ratepayers would have a voice in his salary if they were associated with the board of magistrates?—I cannot tell; I should object to that; I think the difficulty in letting the ratepayers have a voice now, is where people would have to give a vote upon a thing which they did not understand. A good many of those things refer entirely to the magistrates, and the magistrates have to deal with them; they are acquainted with the duties and the expenditure, and they know what they have to do, and how far the salary is suitable, as to which, I think, an outside body would not generally be as good judges.

1493. If the financial board were to be composed half of ratepayers and half of magistrates, do you think there would be any difficulty in getting ratepayers to attend?—I expect if they lived in a distant part of the county they would not attend.

1494. How often would they have meetings?—That depends upon how much they have to do. Many of those things are matters upon which, generally speaking, such a board would have no information. If the object of the meeting were merely to read papers and to take tenders, very aften, they would not come. The magistrates have to see that the prisoners are kept in good health, and so on, and it would be very awkward to give to another body the management of the internal affairs of the place; and the same thing with the lunatic asylum; you ought to give the party who has the control of the expense and management of it.

1495. In the matter of building bridges, it has been suggested by some of the witnesses that a great deal of advantage would be got by having practical men, such as would be found among the ratepayers, for the purpose of looking over them?—I do not know that we should get much in that way. We have a very practical surveyor whom we employ, but at the same time I do not see any reason why the bridges should be left to the magistrates; they might quite as well be managed by any other board as by the magistrates.

1496. We have found considerable discrepencies between the abstract of accounts that have been furnished by the different counties, and the treasurer's general return; can you suggest any reason for that discrepency?—I do not know. I have not seen the abstract that is sent up to the Secretary of State, therefore I do not know. We compare those accounts which are published with the treasurer's book and all the accounts; therefore we know that those are accurate as far as the accounts go.

1497. Is the Highway Act much in force in your county?—It is, pretty generally; not universrlly so.

1498. Was it received with favour, or the reverse?—Certainly, in many places, they disliked it very much; we had a deputation from a large number of the farmers who attended, and there was a memorial against it, and we heard what they had to say; they spoke, some of them, against it, and we gave every attention to what they said, but I think, generally speaking, we established them, and I believe they have been found generally to work well, although perhaps there is some dissatisfaction in some places.

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1499. Mr. *Kendall.*] You stated that as far as your memory serves there has been a great falling off in the number of magistrates, *ex officio* members, attending the board of guardians; that they do not attend now as they did at the outset?—I cannot speak positively as to that; only by hearsay.

1500. Can you give any reason for it?—No; I suppose in some places they found that perhaps things were carried on in a way that they did not like.

1501. You heard the opinion of the gentleman who preceded you, who stated that he thought that everything should be under the financial boards, the lunatic asylum especially, and those boards should be composed of half magistrates and half elected guardians; do you think if such a financial board were under the control of the visitors of the lunatic asylum, as they must be, that they would work harmoniously?—I do not know why the lunatic asylum might not be under their control, if they were really men of business; the most desirable person to send would no doubt be the chairman of the board of guardians, and if the chairmen of the boards of guardians from the different unions were to work with the visiting justices, I do not know, with regard to the lunatic asylum, why it should not work harmoniously; and there might be advantages in it, because you might get practical information from the different unions with regard to the working of the asylum.

1502. Have you yourself ever been a visitor at any of your asylums?—Yes, I have been chairman of the county lunatic asylum for 25 years.

1503. Your expense, I think, is 8 *s.* 6 *d.* per patient per week?—Yes.

1504. That is very moderate; have you any farm at all?—Yes, we have about 80 acres; about 30 acres of which are in grass, and the rest under spade husbandry.

1505. Is it in fee?—No, we have only 46 acres of it belonging to us; 34 acres are rented.

1506. That 46 acres in fee must go considerably to reduce the expense of the lunatic asylums?—Yes; we pay a rent of 242 *l.* for the rest of the land. We had a complaint lately made by the Lunacy Commissioners calling upon us to buy the remainder, saying that we have not got enough. But land is very dear in that locality, and it would entail a cost of many thousand pounds upon the ratepayers if we were to buy more land.

1507. Talking of the Commissioners who come down, when they come and visit, and make a complaint, what power have they of enforcing anything?—I do not know that they have much power of enforcing anything.

1508. You generally carry out their suggestions, do you not?—Yes, if they seem to be reasonable; we do not always; we have sometimes declined to carry out their suggestions.

1509. As I understand you, the gaol expenses have been decreased very considerably; on what account have you increased the salary of the governor of the gaol from 340 *l.* to 400 *l.*?—Because we found that the salary of our gaoler was very much below that of almost any county in England with the same number of prisoners. We have a good governor, and we have only now increased it up to what it was in the year 1850, for we then reduced it, and now we have thought fit to raise it again.

1510. Have you any manufacture in the gaol?—Yes, we manufacture mats and matting.

1511. Do you make any profit by that?—Ye we do.

1512. How does that show in your accounts?—I see that the expense of materials this year wer 272 *l.*, and we have received for work done in th prison 538 *l.* 6 *s.*

1513. In your experience, have you ever foun any one inspector that has come down who ha ever suggested any saving?—No; I think not I think that, if we had followed the inspecto always, we should have gone into all sorts of ex penses, and that is what I am afraid of if we hav a financial board.

1514. You are obliged to strive against th inspector of prisons and the inspector of lunatics —Yes.

1515. You apprehend that you would have much more serious expense for the future than you have now?—Yes.

1516. I presume that the asylum committee the police committee, and the prison committee all have their finance committees within their own walls, and they submit their expenditure to you afterwards at the court of quarter sessions—Yes; the lunatic asylum committee, o course, are more independent than the other committees.

1517. They have an audit of their accounts within the asylum; then they are submitted to the finance committee; and then the finance committee submit them to the magistrates in quarter sessions assembled?—No; with the lunatic asylum accounts they do not. Those accounts are passed in the lunatic asylum. When they are audited, they pass the accounts; and they only come down to the quarter sessions if they want to lay out money upon buildings; they then come to ask their consent.

1518. Could they pay all the retired pensions without coming to the quarter sessions?—No.

1519. But the county have no voice; or they had no voice in the retired pensions?—They had not; but they have now.

1520. The visitors of the lunatic asylum are appointed by the magistrates. Is there any jealousy with regard to what they do generally?—No; there is no jealousy between the magisrates and the visitors.

1521. The clerk of the peace does his duty by deputy; I suppose that does create a little jealousy?—It may; but that is not in the hands of the magistrates. The clerk of the peace is appointed by the lord lieutenant.

1522. You fix the salary, do you not?—We did fix the salary, with the consent of the Secretary of State; it was subject to the supervision of the Secretary of State. As I understand, throughout England, in many counties, they have done away with fees, and have made a calculation of what the fees were, and have given the average of the fees to the clerk of the peace by way of salary.

1523. Knowing the work of the clerk of the peace, and taking it as a whole, do not you think that, if you had the power of fixing all your salaries, some considerable saving might be made, due regard still being had to the work which the clerks of the peace have to do, taking them throughout England?—I do not know what the salaries in the other counties may be.

1524. Take it in your own county?—Where it is done by deputy, one may say there must be some margin, but I think that our present deputy, probably is not sufficiently paid; he is a very good

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ood man, and I think he would be entitled to etter pay.

1525. But supposing the office were vacant, if he man who does his work well now, were apointed as clerk of the peace, do you think that e might be well paid for the work which he oes, and still be paid less than your present lerk of the peace receives?—I do not think here would be much saving effected, possibly 00 *l.* a year, but the work is very well done, and do not imagine that any very great saving ould be made.

1526. Mr. *Read.*] You stated that you had ncreased the salary of the gaoler in consequence f its being lower than the salary of other gaolers hroughout the kingdom?—Yes; he had been ith us several years, and was a very effective an, and we had given him less than we did ome years back, and having ascertained what e salary in almost every other gaol was, we ound that with one exception, there was no rison or gaol of the same size where the salary as so low.

1527. But you did not reduce the salary of he clerk of the peace, because he was considerbly above the average?—I do not know that e could do it to begin with; and I do not know hat he is above the average.

1528. Because I see that the clerk of the eace for Middlesex, who must have a considerbly harder task to perform than the clerk of the eace of Gloucestershire, is paid less than 1,000 *l.* year?—We really pay our clerk of the peace ut of the county fund 792 *l.*, and he received is salary in compensation for certain fees, which e was entitled to, and those fees amounted to ully this sum.

1529. Do the magistrates of Gloucestershire ery often resist the pressure of the Home Office pon the subject of the increase of expense?—That depends upon what it is. In some instances we do, and in some we do not. We have, for nstance, in the case of the prison.

1530. Do you resist the pressure of the Lunacy Commissioners?—That depends upon circumtances. We have in some instances resisted hem.

1531. But all that pressure, whether by the Home Office or the Lunacy Commissioners, is lways in favour of increased expenditure?—No oubt it is.

1532. Then you think that the magistrates, who have nothing whatever to do with the ratepayers, would be more likely to resist that pressure than a lot of men elected by the ratepayers?—I do not know that they would be more likely to do so; but I think that they have more the power of resisting, because I do not think that a body of ratepayers could resist the pressure of the Home Office with regard to the prisons.

1533. Do not you think that there is a great deal in public opinion which would back those ratepayers up, and which the magistrates cannot fall back upon?—That depends upon what one wants to have done; but I think they would be only trying to save their pockets, and they would not know anything about the efficiency of the matter; whereas the magistrates would be supposed to be interested in that efficiency, and would endeavour to adopt some more economical mode of carrying out any proposed plan efficiently.

1534. If you have those ratepayers upon the board, for instance, if they were part of the visitors of the lunatic asylum, why should not they be perfectly well acquainted, and, perhaps, even better acquainted with it than the magistrates?—I have no objection, as far as that goes, with regard to the lunatic asylum, to such a board, composed of such persons as the chairmen of boards of guardians, who would know what was going on in their own unions. That might be advantageous; and there is nothing that I know of in the lunatic asylum which would require the magistrates to be the particular authority.

1535. Are you a member of a board of guardians?—I am an *ex officio* member, but I do not attend.

1536. Then you know, perhaps, from experience that the *ex officio* and the elected guardians work generally most harmoniously together?—They do in some cases, but they do not in all.

1537. How do your highway boards get on?—In some places they do very well, but not always.

1538. Had you any cattle plague committees in Gloucestershire?—Yes, we had a few, but we had very little cattle plague.

1539. Were those committees composed exclusively of magistrates?—They were at first. I do not think that any acted that were not. Under the last order we appointed some that were not magistrates, but happily we had no cattle plague afterwards, and I do not think that they ever acted.

1540. At the Board of Guardians, who attend most regular, the elected guardians or the *ex officio* guardians?—I cannot tell you that.

1541. Taking your own instance, you do not attend?—No, I do not.

1542. You had a considerable amount of opposition, had you not, to the introduction of highway boards?—We had.

1543. And you had a certain number of memorialists who come before the court of quarter sessions?—Yes.

1544. And you did not in any case attend to those memorialists?—We heard them very carefully.

1545. But you did not act upon their memorials?—We did not generally, except in one or two instances, where they showed us what we considered good grounds for not forming a district, and there the notion for forming a highway district was negatived.

1546. Can you point out any instance where the magistrates were in favour of highway boards, and the ratepayers almost unanimously against them, the court of quarter sessions attended to the prayer of the memorial which the ratepayers presented to the magistrates?—I think we looked to the circumstances of the case. If they brought forward what really appeared to the magistrates a good ground for doing it, we considered the matter, but generally the objection on the part of the ratepayers was to the principle.

1547. Lord *Henley.*] You say that you are a member of a board of guardians, but that it is not your habit to attend; but no doubt you hear how the business is transacted at boards of guardians; did you ever hear any complaint of their way of transacting business?—I will not say that I have not heard complaints.

1548. Generally, what is the nature of the complaints that you have heard?—I do not think that the magistrates attend at the board of guardians to which I belong.

1549. Do you hear complaints of them for too great

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great parsimony, or on what grounds are the complaints made?—In some instances, too great parsimony, with regard to the salaries, and perhaps, in some other cases, parsimony with regard to the poor.

1550. Do you hear any complaints against the boards of guardians either of inattention to their duties, or of want of capacity in the performance of them?—I do not think, from what one hears, generally speaking, of the way in which business is managed by them, that one would expect any great gain in the management of the county finances from them.

1551. But supposing we start from the point that they have a right to share in the management of the county finances, do you think, from the experience which we already have of the way in which they manage the union finances, they would be incompetent or inattentive to the county finances?—I think a great portion of the county finances they could not manage well. With regard to the prisons, I do not think it would be desirable to entrust them with the power of determining upon things upon which they have no proper information, and they do not know the nature of the management. There are other parts in the management, of which I think they might have a share.

1552. Do you not think that they are capable of obtaining that information?—I think, generally speaking, where the administration is in one party, and the power of the purse in another, you do not have things very well managed.

1553. It would hardly be the case, would it, so much as it is at present, that the power of the purse would be in one hand and the administration in the other, if you admitted the ratepayers to take part in the administration?—The magistrates now know the nature of everything which is required to be done; and if you have one party who knows what is required to be done, and another party who has to do it, or order it to be done, you run the risk of either too much or too little being done; and I do not think there would be as much economy, generally speaking, as you have at present.

1554. With respect to resistance to pressure, of which you have made a great point, in the advantageous manner in which the magistrates have resisted pressure on the part of the Secretary of State, is it always advantageous to resist that pressure?—No, it may not always be, of course.

1555. Sometimes it is right to give way to it?—Yes.

1556. The Secretary of State is right sometimes, I suppose?—No doubt.

1557. On the whole, do you think that his wishes should generally be complied with?—I think so.

1558. Then that resistence to pressure is not a very strong point in favour of the present constitution of things?—I think it very important for the reality of local management, that there should be some party who at once shares the responsibility of the Government and the interest of the ratepayers, to check the demands of prison inspectors and other Government officials. This is now done by the justices, but it would not be done by an elected board of ratepayers, whose only supposed object would be economy; any obstructiveness on the part of such a board must lead to all power in prisons being transferred to the Secretary of State.

1559. Of course you assume that they are to have nothing to do with the administration of the prison?—I do not think that you ever will put parties who are not connected with the administration of justice into the management of the prisons.

1560. Mr. *Bruce.*] You were asked a good many questions as to the amount of expenditure which was within the discretion of the magistrates, and I think you stated generally, did you not, that the expenditure with respect to the police, and to gaols, and to lunatic asylums, was not within the discretion of the magistrates?—The lunatic asylum expenditure is, to a certain extent.

1561. Do you not think that the amount very much depends upon the character of the magistrates composing the committees, and whether they are men who understand their business, and can offer very effectual resistance to any expenditure which is unreasonable?—I think so.

1562. Is not your own county a very signal proof of that fact, because I gather from your statement that the expenditure of 140,000 *l.* was pressed upon you, but by your resistance you induced the Home Office to accept another plan, by which an expenditure of only 40,000 *l.* was incurred, and resulting in a very considerable general saving by the suppression of a number of houses of correction?—Yes.

1563. And so with respect to your lunatic asylum; I presume that if the Lunacy Commissioners pressed upon the committee an expenditure which they thought unreasonable, their representatives would be listened to?—I suppose so.

1564. Do you think that those representations would be less likely to be forcibly urged if the committee consisted partly of a certain number of persons directly selected by the ratepayers?—I should think not.

1565. Has the lunatic asylum been built within your time?—It has been enlarged very much.

1566. With respect to that, do not you think that the expenditure of a good many thousand pounds, either way, depends very much upon the good judgment and discretion of the persons composing the committee of management?—No doubt.

1567. Quite apart from the influence of the Lunacy Commissioners?—Yes; of course, if we had followed always their recommendations we should have been led into a much larger expenditure.

1568. They require a certain thing to be done, and they generally leave you to do it, and whether you do it expensively or cheaply is no very great part of their business?—You must come up to certain requirements, or else they will not certify to it.

1569. You must provide certain accommodation, but that accommodation can be provided expensively, or it can be provided economically?—Yes; but it must be made in accordance with the requirements of the commissioners.

1570. Is it not therefore obvious that the board managing either the finance of the county or the lunatic asylum, or the prisons, or the gaols, should be animated with a strong spirit of economy?—It is very desirable, and I think we are.

1571. You think you are, and no doubt justly so; but do not you think that, as a general rule, men selected for the especial purpose of watching over the financial interests of the county by the ratepayers, would be more likely to look closely into the expenditure than an irresponsible body like the justices?—I do not know. I am inclined to think that they might not; because if they were elected merely for the purposes of economy, they would press economy perhaps too far, and therefore a great loss would be sustained.

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If they were only the representatives of the existing ratepayers, they might think that the most temporary way of doing a thing might serve for a time, and that might ultimately lead to a much greater expenditure. I think the idea of their being only elected for the purposes of economy would have a considerable effect upon the officer who was dealing with them, whether the inspector or the Secretary of State.

1572. I daresay you have heard that the justices in some counties do not present so effective an opposition to the requirements of the Home Office as you do, by which you have been enabled to keep down the expenditure for the gaols?—No doubt.

1573. Do not you think it probable that the resistance might have been strengthened if there had been among them a certain number of ratepayers?—I do not know. With regard to the prisons, I think it is a thing in which the administration of justice in the country is concerned, and that the Government, if they thought it necessary that certain things should be done for the security of the prisoners, would hardly allow the economical ideas of a body of elected ratepayers to stand in their way.

1574. After all, it is very much analogous to what goes on in the government of the country, is it not; if the Government think that certain things are required, they have to ask the House of Commons for the money?—Yes, but then they have to carry on the administration of the country; they do not ask as to a particular item how they are to do it; my idea would be that the financial board would throw the administration of the prisons into the hands of the Government altogether.

1575. With regard to the clerk of the peace, the appointment is with the Lord Lieutenant?—Yes.

1576. Do not you think that it would be a very advantageous thing if the appointment were to be given either to the justices or to some other large body; of course I am not speaking with reference to the case of Gloucestershire, but generally?—It might be so; he is a very important officer.

1577. At present, as I understand, in Gloucestershire, the duties are performed by a deputy?—Yes.

1578. By whom is he paid?—I imagine that he is paid by his principal.

1579. The county pays him nothing?—No; the county pays him nothing. I imagine that he does all the work, and he pays over a certain amount of the fees to the principal, who is never seen.

1580. Do you consider that the payment which he receives by private arrangement from the clerk of the peace would not be sufficient to induce him to perform those duties if he received it from the public instead?—Of course I cannot tell what he pays over to his principal—to the clerk of the peace.

1581. You do not believe that he receives 1,220 *l.*?—Of course he does not. The clerk of the peace never comes near the county, and how much he receives we do not know; but I think that if he received a great deal less he would receive too little. I do not think that any great saving could be effected in case of a vacancy. The present deputy has to keep two clerks, and he has a great deal to do.

1582. Will you be good enough to explain an answer which you gave some time ago, and which, perhaps, I misunderstood; what was the amount of rent that was paid for the 34 acres of land that did not belong to the county?—242 *l.* is the amount stated, but that includes 40 *l.* paid for land rented last year, but now given up, and not part of the 34 acres.

1583. That would be at the rate of over 7 *l.* an acre?—It is about 6 *l.* per acre; we are very near the town, and we are obliged to rent it, and land is very valuable there.

1584. Is it grass land?—Some of it is grass and, and some is under spade husbandry.

1585. Is that the usual rate of rent there?—Yes; it is close to the town.

1586. You have, of course, a finance committee, to whom is entrusted the finance of the county?—Yes.

1587. When do they meet?—The day before the quarter sessions.

1588. Is it found that that arrangement works well?—Yes, I think it does. The accounts are looked over by the officers; first of all, the building accounts by the county surveyor. I see them about a week before, and make any notes upon them that I think necessary, and then they go before the finance committee, and are examined by them.

1589. Are they submitted to you as chairman before they go to the finance committee?—Yes; all that I have to do is to make notes upon them.

1590. Do you examine them at the office of the treasurer?—No; I have an office at the Shire-hall, where they are brought to me. I merely make notes upon them of anything I see, in order to call the attention of the finance committee to it.

1591. Do you act yourself as a member of the finance committee?—Yes, I do.

1592. Have you a permanent chairman?—Yes, and a deputy chairman.

1593. Do you conceive that there are any facts, connected with the expenditure of the county, which are withheld from your knowledge?—I do not think there are.

1594. Should not you have a very poor opinion of yourselves if you thought that any important facts connected with the expenditure of the county were not known to you?—I do not see how there could be. They are all known to the ratepayers, also because we send out this full statement every year to all the boards of guardians.

1595. Your accounts, I believe, are particularly full?—They are very full I think; and we publish them, and send round a great number of copies to all the boards of guardians.

1596. Lord *Edward Cavendish.*] Supposing that these financial boards were established in your county, do you think that many magistrates would lose their interest in the management of the business, and refuse to work with the elected board?—That I cannot tell. Of course those who were not on the board would.

1597. You think that it would be very likely that the magistrates might, some of them, be rather disgusted, and lose their interest in it?—That might be so. Of course, I think we should not have the same body attending the quarter sessions as attend now.

1598. They might leave the matter entirely to the members elected from the board of guardians?—I do not know that; because if they were to meet jointly with them, I dare say the magistrates would attend; but other magistrates not on the board, would not, and I believe there would be less general interest felt in the transaction of business than there is now throughout the county.

Tuesday, 16*th June* 1868.

MEMBERS PRESENT:

Lord Edward Cavendish.
Mr. Dent.
Admiral Duncombe.
Mr. Heneage.
Lord Henley.
Mr. Henniker-Major.
Mr. Hibbert.
Mr Hodgkinson.
Mr. Kavanagh.
Mr. Kendall.
Mr. Neville Grenville.
Colonel Wilson Patten.
Mr. Read.
Mr. Scourfield.
Mr. James Wyld.

COLONEL WILSON PATTEN, IN THE CHAIR.

The Rev. JOHN KING EAGLES, called in; and further Examined.

Rev. *J. K. Eagles.* 16 June 1868.

1599. *Chairman.*] I understand that you wish to give the Committee some addition to your former evidence?—I think, in Question 616, I was asked if I would give certain returns connected with the county balance sheets which I told the Committee I had examined. I did not understand, until I saw it in print, that I was asked to give the details, and the particulars of the whole 16 counties, because, in point of fact, that was not quite in my power, for this reason: I examined carefully the 16 county balance sheets, and those that were not analogous to the county of Somerset for the purposes of comparison, I returned, merely taking such notes as appeared to me to be applicable to the case in hand. As, for instance, the county of Stafford is wholly dissimilar to the county of Somerset; but there was one point in it which was of use, and of that I made a note: for instance, in the county of Stafford they have 14 superintendents and 1 inspector to a force of 441 men, whereas in the county of Somerset they have 17 superintendents to a force of 280 men, therefore I made a note of that in order to enable me to test it in corroboration of my evidence with regard to other counties. But I have brought to the Committee the details and the particulars of eight counties analogous, in most respects, to the county of Somerset, and I presume that that will be sufficient, for it is all that I can do at present, if you will allow me to put them in, but I should just like to explain them shortly. I have given the area in acres strictly confined to the county jurisdiction, the population of these counties, the valuation, the bridges, and the coroners. I have given then the salaries of the treasurer, the clerk of the peace, the county surveyor, the chief constable, and the governor of the gaol. I have then given the cost of the gaols, the police force, the cost of the police, and the general account in those eight counties. I must just explain that the area in acres, the population and the valuation are taken from the Constabulary Official Register for 1868, because it gives that which is alone in the jurisdiction of the magistrates, and excludes boroughs not under county administration. The other figures are taken by myself again with great care. I have looked into them again since I was before the Committee, and they are taken from the county balance sheets of those eight counties, and so with respect to the second paper, I have taken the same authorities, but I must make an explanation of that. I see that I was asked to give the lunatic asylums, and the rates in the pound with respect to the lunatic asylums. I do not profess to have examined the lunatic asylums of the counties, for I only know one county in England where that account is set forth *in extenso*, and that is in the balance sheet of the county of Norfolk. In the last balance sheet of ours it was included, but I presume it was for a particular reason, therefore I cannot give you the lunatic asylum returns, for I have examined them in my own county alone, and perhaps two or three others, but I do not profess to have made myself master of the contents of the lunatic asylum reports. Then with respect to the rates in the pound, I have added a note to say that the assessments of counties are so incomplete, that no return of rates in the pound based upon them could be satisfactory to the Committee if I attempted to give it. I can give you those of my own county, because our assessment is complete, and I have put it down in the table, and I have added also that a rate of a farthing in the pound for the purposes of the general account produces more than a similar rate for the police account. All this is stated in the papers which I now put in, but I wished to give that explanation. (*The Witness delivered in the papers, vide Appendix.*)

The Rev. JOHN PEARSON, called in; and Examined.

Rev. *J. Pearson.*

1600. *Chairman.*] ARE you a resident in the county of Worcester?—Yes.

1601. Do you hold any official position in that county?—At this time I am Chairman of the United Committee of Visitors for the County and City Lunatic Asylum; I am Chairman of the County

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ounty Assessment Committee, and I am Chair-an of the Shire Hall and House Committee.

1602. You are therefore generally acquainted th the finance of the county of Worcester?—es, I am.

1603. Have you a clerk of the peace in the unty of Worcester?—Yes.

1604. Has he a deputy, or does he serve in pern?—He is our clerk of the peace, and he points clerks.

1605. Does he administer his office by deputy? -Partly; not principally. He has two clerks ting at Worcester; he however always appears the quarter sessions, and he generally conducts e business of the county himself.

1606. What is his salary?—£. 1,200 a year.

1607. Does he pay his deputies?—Yes.

1608. Are you acquainted with the manageent of the gaols in the county of Worcester?—es; I am one of the visitors.

1609. Will you state, as concisely as you can, e mode of management of the gaols in the unty of Worcester?—It is quite different from y other gaol with which I am acquainted; we e united for the last nine months with the city, d the gaol authority now consists of the visitors the gaol appointed by the county magistrates, the court of quarter sessions, and by the town uncil of the city of Worcester. The magistrates point 11, and the town council four, and we are w the managing authority; it is entirely taken t of the hands of the court of quarter sessions.

1610. I understand you that the gaol is admistered by a mixed representative body of agistrates of the county and the city?—Yes.

1611. Whom does the gaol belong to?—It w belongs to the county and to the city.

1612. Do you know what the salary of your oler is?—It is 450 *l.* a year, with a house and ashing and a servant.

1613. Can you give the Committee any inforation as to the expenses of the gaol?—They ould amount to nearly 8,000 *l.* a year, the keep the prisoners, and the officers, and so on.

1614. How much of that is contributed by the unty? — The county contributes five-sixths it.

1615. How much is contributed by the city?—he remainder; or rather one-fifth by the city, d the other by the county.

1616. Do you find any difficulty in this joint ministration?—No, not the least.

1617. Has it been productive of economy?—e have hardly proved that yet; we have not ied it long enough. Eventually the county may ve 300 *l.* a year by it, and I expect we shall.

1618. How many prisoners have you in the aol?—We have now 270 prisoners of the county d the city combined; the gaol is built for 300.

1619. Can you give the Committee any inforation as to the police?—Yes, I can.

1620. What is the amount of your constaulary?—About 175 constables; we have one ief constable, and a deputy chief constable.

1621. How many superintendents?—Eleven.

1622. Do you know what the total cost of the olice is?—It is nearly 12,000 *l.* a-year.

1623. How many stations have you?—We ave some small stations building, but at the prent moment we have about 12 large stations; ngle constable rooms we call stations now.

1624. Is the administration of the police satisctory in the county of Worcester?—I think is.

1625. Have you a lunatic asylum?—Yes.

1626. How is that administered?—That is administered by a committee of visitors appointed by the court of quarter sessions and town council; 11 by the former and four by the latter; it is administered by a joint body of the county and city magistrates.

1627. Do I understand you, that in the arrangement for the gaol and the lunatic asylum, there is a joint administration of the city and the county?—Yes.

1628. Do you know what is the total annual expense of the lunatic asylum?—It would be about 12,000 *l.* a year.

1629. How many inmates have you in that lunatic asylum?—We had 600 patients last week, and we have about 50 officers.

1630. How many of those are pauper lunatics? —They are all paupers, but about 14 or 15 pay an additional sum, and those are all sent as paupers, but we make an arrangement with them afterwards; if we find that they are capable of paying more than 8 *s.* 6 *d.* per week we make them pay 15 *s.* per week, but we have only 14 or 15 of those.

1631. At what per head do you calculate the expense of the lunatics per week?—8 *s.* 6 *d.* Of course it varies according to the circumstances of the case; according to the price of provisions and the expense that we are put to. We have had it at 12 *s.*, and we have had it at 7 *s.* 6 *d.*, and we have now got it at 8 *s.* 6 *d.*

1632. Is there a finance committee for the management of the finances of the county of Worcester?—Yes, there is.

1633. How is that composed?—That is composed of five magistrates, appointed periodically at quarter sessions, but certain departments manage their own finance; the finance committee manage the general finance of the county, but they do not manage the finance of the police or of the Shire Hall.

1634. How are they managed?—They are managed by the respective committees of the magistrates. There is a committee of magistrates for the police and the Shire Hall, and they manage their own financial departments.

1635. Have the city any control in those departments?—The city have control in the gaol and the lunatic asylum; they are only connected with us in the gaol and the lunatic asylum; they have nothing to do with our police.

1636. Is there an annual statement of your accounts published?—Yes.

1637. In what way are they made public?—They are circulated amongst all the magistrates, and then they are printed in three Worcester papers annually.

1638. Do you send copies of those accounts to the different boards of guardians?—Yes, we do.

1639. In the county of Worcester has there been any demand for the establishment of any control over the county expenditure?—There has been very little agitation of that kind; it has been talked of, and no doubt a large body of the ratepayers unconnected with the magistracy would desire it.

1640. Then the administration of the finances of the county of Worcester is generally satisfactory to the ratepayers?—I have no doubt that they would wish to have a more immediate part in the management themselves. I do not know that it is otherwise than satisfactory, but as this principle is now discussed, I believe they would wish

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wish the principle introduced of county financial boards. The greater part of the ratepayers would prefer the arrangements under the Bill, but we have heard very little of it.

1641. Has that arisen from any want of confidence in the magistrates, or from a want of a share in the administration of the finance?—From the latter reason. I am not aware of any want of confidence in the magistrates, but it is from the natural desire that they feel to have a part of the control of the finances.

1642. Has your expenditure increased or diminished of late years?—It has not altered much, but we have now a small additional expeuditure. Of course it is larger than it was 30 years ago, when it was about 3½ *d.* in the pound; but since that time the police have been introduced, and the police costs us about 2 *d.* in the pound; and we have likewise a lunatic asylum, which costs us 1 *d.* in the pound for the payment of principal and interest, so that our rates now would amount to about 6 *d.* in the pound, but that increase arises from other items having been added to it.

1643. Lord *Henley.*] I think that in the Parliamentary Return the county rate for the county of Worcester is put down at 11¾ *d.* in the pound?—It is quite a mistake.

1644. *Chairman.*] Sixpence in the pound would amount to nearly 30,000 *l.*; does that include the gaol rate, the asylum rate, and the police rate?—Yes; it includes the gaol rate, the asylum rate, and the police rate, and every other expense in the county. I would beg to say that I am now speaking of the expense to the ratepayers; I am not now including that which is returned from the Consolidated Fund, because we know that 25 per cent. is paid to the police, and we know that there is an allowance for the trial of convicts and their maintenance, but I am now speaking of the actual expense out of pocket which the ratepayers are put to, the total sum contributed by the county to the county rates.

1645. Have you any further information to give to the Committee as to the county of Worcester?—I did not come prepared to make any particular statement; I merely came to answer any questions that might be put to me; I did not know what kind of information the Committee would wish.

1646. Have you any published accounts?—I have none with me, but I should be very glad to give the Committee any information that I possess.

1647. Admiral *Duncombe.*] Are your accounts audited otherwise than by the finance committee?—We have adopted a paid auditor about nine months ago, because of the connection of the county and city gaols.

1648. Are your accounts always passed in open court?—Always.

1649. And all sums of money are voted in open court?—Always.

1650. And are all vacancies on committees filled up in open court?—Always.

1651. The joint management of your gaol and lunatic asylum, by having a portion of the sitting magistrates on the committee, is caused by there being joint establishments for the city as well as the county?—Precisely so.

1652. How long has that been the case?—With the lunatic asylum it has been the case for many years, with the gaol only for about nine months.

1653. Previously to that was there a city gaol?—Yes, previously to that there was a city gaol.

1654. That is now abolished?—Yes.

1655. Therefore they are now united with the county in having their prisoners put into the county establishment?—Precisely so, for every purpose.

1656. Mr. *Kendall.*] Has this amalgamation taken place under Act of Parliament?—Yes, it has.

1857. When you had your city gaol and your county gaol amalgamated, which took the command, the governor of the city gaol or the governor of the county gaol?—The governor of the county gaol.

1658. What did you do with the governor of the city gaol?—He is pensioned by the city.

1659. What was his original pay, and what is his pension?—I think it was 200 *l.* a year, but I don't know enough about the city accounts to state particularly. We do not pay any part of the pension.

1660. When the two gaols were amalgamated, and the care of the prisoners entrusted to the governor of the county gaol, did you increase his pay?—Yes; we increased his pay by 50 *l.*, and we increased the pay of nearly all the officers; of every officer, I think, besides the surgeon.

1661. Were your stations and other erections built by money borrowed, or was the money paid up during the year?—By money borrowed.

1662. Over how many years did you throw it?—We threw it, in the case of the lunatic asylum, over 30 years, and in the gaol over 20 years.

1663. Do I rightly understand from you that the amalgamated accounts of the borough and county gaol are both passed in open court at quarter sessions?—Yes; they are.

1664. You state that within the lunatic asylum, with the exception of about 14 or 15, they are all pauper lunatics, but there are some who are charged 15 *s.*; what class of persons are they?—They are persons in a rather better situation in life; they might be connected with farmers or with tradesmen.

1665. Then they are not there as paupers?—They are sent there as paupers, but we make arrangements with them when we find that they can afford to pay a larger sum. Some pay 15 *s.*, some 12 *s.*, and some 10 *s.*, and the payment for the paupers is 8 *s.* 6 *d.*

1666. Have those who pay 10 *s.*, 12 *s.*, and 15 *s.* the same diet as those who pay only 8 *s.* 6 *d.*?—Exactly the same.

1667. Then they cannot be removed except in the way that the paupers are removed?—No, they cannot.

1668. So that although their friends contribute that amount, they have no power to remove them?—Not the least.

1669. Mr. *Hibbert.*] In your lunatic asylum, have you any persons from a distance unconnected with the county?—We have some females from Oxfordshire now.

1670. What do you charge for them?—We charge for them 12 *s.* 6 *d.*

1671. With respect to the arrangement between the county and the borough as to the gaol, is it under a special Act of Parliament?—Yes, it is.

1672. Does the borough contribute towards any expenses of enlargement, or any repairs, or anything of that kind?—Yes; it does. It contributes according to the proportion of the prisoners which they each would have in the gaol. If we wanted an enlargement the city would contribute according to the proportion which they had d in the gaol for some previous time; we shall ke the arrangement of five years, but we cannot that yet, because we have not been amal- mated five years; but five years will be the rangement.

1673. With respect to the maintenance of their isoners, how are they charged for those?— ney pay their proportion according to the num- r of prisoners that they have in the gaol.

1674. Is that a contract between the county d the city?—That is a contract between the unty and the city, sanctioned by Act of Parlia- ent, and the entire management of the gaols is ken out of the hands of the quarter sessions, d vested in the hands of this joint committee. he only power that the quarter sessions have is appoint the members of the committee of itors, and there is a report presented to the arter sessions quarterly, but upon which they nnot act. They cannot question any act of the itors.

1675. But from what body does the joint com- ttee obtain consent for the expenditure of ney?—From the quarter sessions for the unty, and the town council for the city, they ain their supplies, or rather from the respective asurers, but they need no consent, having emselves the power.

1676. Have any difficulties arisen in carrying t this arrangement?—Not the least; we have rked together very harmoniously indeed, and t the slightest difficulty has arisen yet.

1677. Do you see any objection, to giving the presentatives of the boards of guardians, some ht of interference in the management of the lum?—In case of the appointment of financial ards, they would necessarily have a certain nagement or control.

1678. Do you not think that there is a stronger im for the boards of guardians, or rather the presentatives of the boards, to take some part the management of the asylum, rather than management of any other county financial tters?—I do not see what management they ld take, particularly in the executive depart- nt, because of course the power of sending atics to the asylum, or discharging them, is nfined to the visitors, the magistrates. The ernal arrangements of the asylums must be left the hands of the visitors, for it would be im- ssible for anyone otherwise to control it effec- ely, and practically.

1679. Is it not the case that the visitors fix on the amount to be paid by the various boards guardians, for the number of persons sent m their particular boards?—Yes, the visitors that, and they vary it according to circum- nces.

1680. And the visitors have the power of naging the whole of the affairs of the asylum. ney do not report to the quarter sessions for y appointment of officers, or for any increase salary?—No, they have the entire management d jurisdiction. The quarter sessions have thing to do with the raising of salaries, or the ving of salaries generally.

1681. Would you see any great objection to owing, say the chairman of each board of ardians, to be represented, upon as it were a nt committee for the management of the ylum?—I do not think that there would be e least objection; if the bodies could be made work together harmoniously, it would be very ting, and very proper, I think.

1682. Mr. *Kendall.*] If you charge 15 *s.* and 12 *s.* and 10 *s.* of course you must make a profit by those patients?—Yes.

1683. Where does that profit go?—We throw it into the fund in reduction of the expenses; perhaps I might say that supposing we were aware that the friends of those parties could pay 15 *s.* or 12 *s.*, we investigate the matter very closely, and if they decline to pay that amount, we should discharge the patient, and let them send him to a private lunatic asylum.

1684. *Chairman.*] That arises after investigation by the magistrates' committee of visitors?—Yes.

1685. Mr. *Hibbert.*] I suppose you carry out that arrangement in consequence of the asylum not being full, but in case it was full of real pauper patients, you would not be able to carry out such an arrangement as that, or rather you would be unwilling to do so?—They are all sent as pauper patients, and we do not wish to discharge them at once; they have a sort of claim to be there, and we think that we have a claim to exact a higher payment.

1686. Supposing you were taking any patients, who were able to pay this larger sum, and who were not really paupers, you would not compel those that are paupers to be sent to other places where they might pay more for maintenance, or than would otherwise be obliged to pay?—We should never exclude a real pauper patient; we admit none but pauper patients.

1687. I understand you to say, that you are already full?—If quite full, we should build. When we first established the asylum, we took in other patients at a higher rate of payment; but we found that that was interfering with the pauper patients, and we had scarcely room, and we were obliged to build, and since that time we have had more room than we need, and consequently, we have taken in from 40 to 60 patients from other asylums. We are not full now, as we have, I think, 30 or 40 from Oxfordshire, but we never have refused to take pauper patients, we could not do it, and we should never think of doing so; consequently those people who pay more than the 8 *s.* 6 *d.* a week, do not at all interfere with the actual pauper patients who pay 8 *s.* 6 *d.*

1688. *Chairman.*] The honourable Member's question was to this effect, that, having an excess of patients, you are compelled to enlarge the lunatic asylum, does the county pay for that enlargement?—The county pays for the enlargement, but the county would never enlarge the asylum above the wants of the actual paupers.

1689. Admiral *Duncombe.*] You always give preference to the pauper lunatics, that is to say, if you had paying lunatics in the asylum, and you were full by having them, if pauper lunatics required admittance you would discharge the paying lunatics and send them elsewhere, and admit the pauper lunatics?—Immediately.

1690. Mr. *Hibbert.*] You have admitted them from other counties at a fixed scale higher than your own?—We have.

1691. What is that fixed scale?—It is 12 *s.* 6 *d.* now; we admit them as long as we have room; we have already discharged a number from Herefordshire, and although, as I have said before, we still have some from Oxfordshire, when our asylum is filled with our own patients we shall discharge them too.

1692. The profit from those paying lunatics, I presume, goes to diminish the cost of the other patients?—Yes.

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1693. So that the 8 *s.* 6 *d.* is not really the entire cost of a pauper lunatic?—Yes; it would be, because the profits go to the expense of building, purchase of furniture, and so on.

1694. You keep the profits apart, and you appropriate them for furniture and not for the wants of the patients, but merely for their amusement, pleasure, and so on; is that so?—We do not call upon the quarter sessions for sums for which we should otherwise call upon them. We make a large profit from those out-patients, which we apply to building, in purchasing furniture, and other things. All our patients on the average costs us 8 *s.* 6 *d.*, and there this extra 4 *s.* for 50 patients, which we expend in this way, and save the county by not applying to the quarter sessions.

1695. On the whole, for establishment charges, and so on, you charge 8 *s.* 6 *d.*, and you could do with that 8 *s.* 6 *d.*, provided you had no help, but when you have extra help you use the profit for embellishment?—The 8 *s.* 6 *d.* per head is sufficient for the maintenance of our patients.

1696. Mr. *Grenville-Neville.*] If you were to hear that there is an asylum similarly situated to yours, which made use of its profits greatly in reduction of its charges, in paying off the extra building debt, you would think that it was very well managed?—It might be so; but we do not at all apply that sum to paying off the debt.

1697. You do not apply your profits to capital, but, as it were, to expenditure?—Yes; I am afraid that I may have left a mistake upon the mind of an honourable Member; we do not spend this additional sum in what would be called embellishment, which we should not need, but for building, furniture, and necessary articles.

1698. Lord *Henley.*] Can you explain in any way the statement in the Parliamentary return; I was right in saying that the total poundage of rates during the year 1867, was 11¾ *d.* in the pound, but you think that it does not amount to nearly so much?—Not nearly so much.

1699. Have you taken the interest of the debt into consideration?—Yes; I have taken every thing.

1700. You have mentioned that you were the Chairman of the County Assessment Committee; has that lately reported?—Yes, it has within the last 12 months.

1701. Has it made a very great alteration in the value of the county?—A very considerable alteration. It raised the amount about 150,000 *l.*

1702. Could you explain at all the very large number of pence in the pound that the rate comes to, if it was taken under the old assessment?—No, it is simply a mistake.

1703. Is this 1,146,266 *l.* the new assessment or the old one?—That is the new assessment.

1704. Then that has been in operation for the last two or three years, has it not?—No, it has not been in operation more than about 18 months.

1705. Mr. *Kavanagh.*] You stated that you considered that it would be fair that the boards of guardians should be represented on these committees, to superintend the lunatic asylum, and so on, if they worked harmoniously; have you any reason to doubt that the representatives so elected by the board of guardians would work harmoniously?—Not the least; I think that they would work harmoniously with us.

1706. Do you think from your knowledge of the people in the county of Worcester that there would be ratepayers found who would, if elected give their time to working on the financia board?—I have no doubt of it, and very fitting men.

1707. *Chairman.*] Eleven pence three farthing appears in the return; may not this arise fro the cattle plague rate being included in it?—No it is an entire mistake; the cattle plague expense are very small comparatively in Worcestershire.

1708. Lord *Henley.*] The total expenditure i stated as 35,133 *l.*, is that correct?—That woul be very nearly correct I have no doubt.

1709. If the basis is correct, of 1,146,236 *l.*, i is very easily ascertained whether this 11 *d.* i the pound is really the amount?—Yes, I thin that it will be found by calculation that it is ver erroneous.

1710 Would not 7¾ *d.* be more like the correct rate in the pound?—Yes; and then out o that we have returns from the consolidated fun for the police prosecution of felons and the maintenance of prisoners after trial, which woul bring the real expenses down to 6 *d.*, as near as can be.

1711. *Chairman.*] Are you, or are you not, i favour of establishing county financial boards —Yes, I am; I think it is so constitutional principle, that it really cannot be resisted.

1712. Have you any other information tha you wish to lay before this Committee?—I woul perhaps just make an observation upon what consider to be the proper constitution of financial boards, if the Committee will allow me. I the Bill which was lately laid before the country it appears to me that a very proper arrangemen was made for the constitution of a financia board, to consist of one-half of magistrates, an one-half of parties elected by the boards of guardians. I think that that body would work ver harmoniously together, as they would combin the representative principle, and they would likewise combine the experience of the county. I d not think that the board would work at all wel if it was entirely divested of the magisterial element, and if all were elected who were n magistrates, and have never had any experienc in county matters; but I think that if half th board were magistrates and half gentlemen experience, and of business-like habits, who wer not magistrates, it would work very harmonious and very efficiently too, and would command th confidence of the counties.

1713. As you appear to have given muc attention to this subject, have you any pla which you could lay before the Committee, o have you formed a notion in your own mind a to how these boards ought to be established?— think that they ought to be established upon th principle which is involved in the Bill of which am speaking, Mr. Wyld's Bill, that is to say, th the quarter sessions should appoint one magi trate for every board of guardians in the count so many magistrates as there are boards of gua dians, and then the board of guardians shou appoint any representative of their board th they think fit. That constitutes the financi board under that Bill. Then with regard to t respective duties of that board, and of the magi trates, I agree, to a certain extent, with th principles of that Bill, and with the detail that Bill, except that with regard to the building enlarging of gaols, with regard to the enlarg ment of lunatics asylums, and with regard

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uilding or enlarging stations for the police. I ink that that ought to originate with the magis- ates instead of with the financial board, because e magistrates must be the best judges of the quirements of the pauper patients in the lunatic sylums, and of the requirements of the prisoners the gaols, and likewise of the requirements of e police force. They have been in close con- ection with those different departments, and ey alone can know their requirements. I think, erefore, it would be a better plan that instead f the financial board, in the first place, institut- g operations with regard to those buildings, the isitors of the lunatic asylum, the police com- ittee, or rather the court of quatter sessions, nd the visitors of the gaol, should origi- ate the building or the enlargement of those ifferent edifices, and that they should report to the financial board, who should undertake the ntracts; and if there was any difference of pinion between the financial board and the agistrates, there should be a reference to the ecretary of State. But I apprehend that there ould be very seldom a difference, and they ould probably work together very harmoni- usly. With that exception, I think that the rovisions in the Bill to which I am alluding are ery fair, and very equitable, and very prac- cable.

1714. Mr. *Heneage.*] Do you think that in the se of representatives being elected by the oards of guardians, they should necessarily be ected from amongst themselves, or might they ot be elected from amongst the general body of e ratepayers?—That is an important question. do not know why you should limit the area. I ink that we ought to have the best magistrates, nd the best elected persons who are not magis- rates. I do not know why the guardians should e limited to their own body. Local representa- on would, perhaps, be a good principle and a ppose that in every union you would find some ligible person, some practical man who might e elected, and in that point I think it would be etter for every board of guardians to elect some- ne within their local bodies, so that there should e local representation. In other respects it ight be better for them to elect the best men hey could anywhere in the county. But I think, aking it altogether, and looking at the areas of he unions, they would be sure to find some very proper person amongst the boards of guardians themselves, or somebody else in the union, fit to be elected upon the board.

1715. You do not think it necessary that the representative of the ratepayers should necessarily be also a member of the board of guardians?—I do not think that it is necessary.

1716. Mr. *Kendall.*] When you speak of somebody else in the union, do you mean someone who has been a guardian before, or someone who is a large ratepayer in the union?—Someone who is a large ratepayer in the union, probably he would have been a guardian before because the guardians would have more confidence in somebody that had been connected with the board, but I do not see that there is any necessity to elect one of the immediate body of guardians.

1717. Do you see any objection to this plan; that as in a series of years you generally get the best men that you have in the union upon the board, the board of guardians should either choose one of their own body, or one who has been one of their body before?—I do not think that that is necessary; they would be sure to do so, but I do not think it is necessary.

1718. I mean that they might have the power; you would not object to their having the power to elect one who had been a guardian?—No, certainly not; but I would give them power to elect anybody else they thought desirable.

1719. *Chairman.*] Is there any other information that you wish to communicate to the Committee?—I am not aware that there is.

1720. Mr. *Kavanagh.*] Would you approve of the selection of the board of guardians being limited to ratepayers, or would you allow them to elect a magistrate as their representative if they thought fit?—It appears to me that as the magistrates at the quarter sessions would elect nobody but magistrates, the board of guardians should elect somebody who was not a magistrate, so as to have an equal number of magistrates and of elected members; I think that in the Bill to which I allude it is not limited to the elected guardians; a magistrate might be appointed by the board of guardians, but I am inclined to think that it would be the most equitable principle, that the magistrates should appoint one-half of the board from the quarter sessions, and that the other half should be elected from the guardians of those who were not magistrates.

Mr. William Bainton called in; and Examined.

Mr. *W. Bainton.*

1721. *Chairman.*] Do you hold any official osition in your county?—No, I do not.

1722. Are you a tenant farmer?—No, I am a armer occupying my own land near Beverley, in he East Riding of Yorkshire.

1723. Are you chairman of a board of guar- lians?—No; I am vice-president of the Chamber f Agriculture that we have in the East Riding.

1724. This Committee is seeking information pon county financial arrangements, and perhaps ou will communicate to the Committee any in- ormation which you may have to give to them pon that subject?—The information which I am lesirous of giving is a general kind of information nerely, and is simply as to the principle that hose who pay the rates should take part in the xpenditure, that is the object of my coming here, ot with any idea of finding fault with any waste- ul expenditure or casting any reflection upon the parties who now manage the county rates, but merely with the desire of carrying out the principle that those who contribute towards the rates should bear a part in the expenditure of them.

1725. Are you at all acquainted with the management of the gaol?—I know some little of it, but not particularly.

1726. Have you any objection to the present management of the gaol in any of its details?—No, I have not.

1727. Or to the police?—I think that those who contribute towards the expense should have some control over the police as well as over other county matters.

1728. And the same with regard to the lunatic asylum?—Yes, the lunatic asylum also.

1729. And also the county bridges?—Yes, the county bridges the same; indeed, every county matter, with the exception merely of the judicial duties

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duties of the magistrates in attending to criminal matters, and so on.

1730. I understand you that you are in favour of the administration being partly conducted by the ratepayers and partly by the magistrates?—Yes.

1731. Not from any distrust or complaint which you have to make against the magistrates, but upon the general principle?—Precisely so; I believe we have no complaint to make of that kind in the East Riding, but merely upon the principle that the ratepayers and occupiers of land ought to bear a part in the expenditure of the funds; their idea is that that is a principle which ought to be recognised and carried out.

1732. Is that the general feeling throughout the East Riding?—It is the feeling of a very considerable portion of the ratepayers.

1733. Has that feeling had any manifestation in public meetings?—Yes, it has.

1734. Of whom did those public meetings consist?—The principal expression which has been given is by the Chamber of Agriculture, which has been formed of a number of farmers; that board perhaps, consists of something like 300 or 400 of the principal farmers in the East Riding, and I believe that has been the most general expression that has ever been given with regard to county financial boards.

1735. Are those members of the Agricultural Chamber large ratepayers in that riding?—Yes, the largest ratepayers considerably in the riding.

1736. And public meetings have been held under the direction of the Board of Agriculture?—Yes.

1737. Have there been meetings independent of the Chamber of Agriculture?—No, I believe not.

1738. Has the Board of Agriculture been the means of organising this movement into some kind of form?—It has to a certain extent.

1739. But the movement existed before the formation of the Board of Agriculture?—Yes, I believe there was a feeling before, but this has been the means of organising it, and giving an expression of what that feeling is.

1740. Have you any complaint to make as far as the county expenditure is concerned?—None whatever.

1741. I understand you that it is only upon the general principle that where there is taxation there ought to be representation?—Yes, that is the object of my being here now.

1742. Do you think that that feeling is prevalent throughout the whole of your riding?—I believe it is.

1743. Admiral *Duncombe.*] Are you not under some mistake when you say that there have been public meetings with regard to the establishment of financial boards; have you not confined yourselves merely to meetings and discussions of the Chamber of Agriculture and its branches?—Yes; nothing more than that.

1744. There have been no public meetings upon the subject?—No, not beyond that.

1745. As vice chairman of the East Riding Chamber of Agriculture, could you inform the Committee what your ideas are as to the formation of financial boards; of whom they should be composed?—My impression is, that the members should be elected by each board of guardians, and an equal number of magistrates appointed by the court of quarter sessions to act with them, and to carry out the general principles of Mr. Wyld's Bill.

1746. Would you in any way confine the cho to the respective boards of guardians; that is say, should the member be one of their own bod or might they elect the one whom they imagi to be the best man in the whole of their distric —The best man of the whole district would giving a large area. You will find that guardia generally take it in turns to serve upon the boa and you do not at all times find perhaps that t best man of all is the guardian for his locality, a therefore that gives a larger area, and having th more extended choice, there would be the great probability of getting the best man.

1747. I ask you the question, because oth witnesses have given different opinions upon th particular point; I understand you to say th the financial board, in your idea, should be co posed of half magistrates named by the quart sessions, and another half of ratepayers nominat by the respective boards of guardians, but n limited to any extent as far as the inhabitants the union are concerned?—No, I think not.

1748. Mr. *Kavanagh.*] Would you limit t selection of the guardians to the ratepaying me bers of the board, or would you allow them elect magistrates if they thought fit?—I think should be the ratepaying body only, and n magistrates; the magistrates would be certain appoint members of their own body, and it wou be scarcely dividing it properly if the guardia were to elect magistrates as their representativ

1749. Are you acquainted with the way which the county business is managed?—I belie I know it generally, not particularly.

1750. Do you know what sort of power th magistrates have over the funds of the county?— Yes, I believe I do.

1751. Do you think that that is considerabl —Yes.

1752. Is it not the case that the magistrates a limited by Act of Parliament, and that they ha no power to originate any new expense?—I b lieve not; I believe, as far as regards coun matters, they are confined by Act of Parliame to that expenditure which they may have contr or discretion with regard to; they cannot orig nate anything beyond what is particularly specifi in the discharge of their duties as magistrates f county purposes.

1753. Therefore, their power is limited merely seeing that the money which is sanctioned by Pa liament to be expended for certain purposes properly expended?—Yes.

1754. Do you consider that the magistrates i the East Riding of Yorkshire do their duty i that way?—I believe they do generally; but no generally satisfactorily to the ratepayers.

1755. Do you think that if such a body as i proposed by Mr. Wyld's Bill were constitute it would have a satisfactory effect?—I think would.

1756. Do you think that it would have th effect of economising expenditure?—I cannot sa that particularly, but at any rate it would give degree of satisfaction, and therefore from givi that degree of satisfaction to those who are th principal ratepayers it would be proper that should be carried out. But I would decided not have a permissive Bill; it should be a co pulsory Bill; for if you are to have a permissiv Bill it would merely occasion a great deal of di cussion, and create such a degree of unpleasan ness that really no benefit would accrue from it.

1757. Mr. *Kendall.*] As I understand, you

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ot offer any opinion as to whether there would e any saving by this new arrangement, but you hink it would give content to people generally, ecause being large ratepayers they want to have voice in the management of the money?—I do ot know the particulars sufficiently with regard o any economy which it may produce, but as far s my impression goes I am not aware that there any waste or unnecessary expenditure.

1758. The general feeling, and the increasing eeling as I understand from you is, that the atepayers think that they ought to have a voice the management of the funds?—Yes; that is ecidedly an increasing feeling.

1759. Your plan is that the board should be ne half magistrates and one half ratepayers hosen by the boards of guardians; how would ou manage with regard to the different estab- ishments of the lunatic asylum, the county police, nd the county gaol; of course you would wish hat some of those parties who are ratepayers hould be upon those committees in order to nderstand the working of those establishments? —I see no reason why they should not act har- oniously together; their interests are identical, nd I cannot see any reason why the principal atepayers should not be desirous that those atters should be both properly and economi- ally managed as well as the magistrates, inas- uch as, as far as the East Riding is concerned, e magistrates are not by any means the prin- ipal ratepayers, nor do they represent the prin- ipal owners of property in the riding.

1760. Do you think it possible that those entlemen who wish to act upon the financial oard could be masters of the subject unless they ere upon those committees; do not you think at it is a matter of necessity that they should ke a part in them?—I think it is.

1761. In order that they should be able to ave a sound judgment as to what the expenses ould be, they must be upon committees and ust enter into all the particulars of the expen- iture in each branch as far as the county lunatic sylum, the gaol, the bridges, and the police are oncerned?—I think that they necessarily should e members of those committees.

1762. Do you belong to a board of guardians all?—Not at present; I have been.

1763. Has that matter ever been discussed at e board of guardians at all?—It was slightly scussed many years ago; I was the chairman the board of guardians at Beverley some ears ago, and there was a partial discussion of at the time and a desire, as far as observations ent, that those parties who paid the rates ould have a voice in the expenditure; that is any years ago; I believe that there has been expression of opinion by the board of guar- ans latterly.

1764. What is your idea as to the feeling of e large landed proprietors and the magistrates the East Riding; is there an increasing feel- g on their part either for or against the forma- on of financial boards?—I really cannot answer at question; I am not aware that there has een any expression of feeling whatever from the rge landowners one way or the other.

1765. There is a strong movement in the hamber of Agriculture, but there is no move- ent, as far as you know, for or against amongst e magistrates?—I am not aware of any.

1766. Mr. *Heneage.*] You do not agree with e evidence given by a previous witness that the representatives of the ratepayers should be chosen from amongst the guardians in order that they might come back to them and report to them what they had done?—No, I do not agree with that.

1767. You do not think that absolutely necessary?—No, I think it would be objectionable.

1768. You wish them to be not delegates, but representatives?—Yes, decidedly so. You will find that parties who take a part in parochial matters have a great deal to do in attending properly to the duties of guardian; therefore it is taking rather much of the time to discharge county duties as well as the duties of a guardian, therefore I think it is not absolutely necessary or desirable that the elected members of the financial board should be chosen from the members of the board of guardians.

1769. Do you consider that the magistrates should be strictly kept to their judicial duties?—I do.

1770. Do you think that the ratepayers would be content if the financial board were constituted one-half of ratepayers and one-half of magistrates, who should conduct all matters of finance, and report to the magistrates?—I believe that the ratepayers generally would be satisfied, or at least more satisfied with that than with the present system in the management of county matters.

1771. If they sat on the finance committee without taking part in the quarter sessions?—That is my individual opinion.

1772. Then you think that it would be satisfactory if the ratepayers composed one-half of what are ordinarily called finance committees, and if the sub-committees who looked into the finance of the gaol and the lunatic asylum had a fair proportion of the ratepayers and a fair proportion of magistrates on them?—Yes, I think that would be satisfactory.

1773. You think that that would be far better than if they merely formed part of the general body?—I do.

1774. Mr. *Hibbert.*] You say that you think it not desirable that the magistrates, who might be on the board of guardians, should be elected on the representative body of the finance board; is it not the fact that a great many magistrates are elected as guardians, and who not only sit as guardians *ex officio* but are elected guardians?—It is not the case in the East Riding. I am not aware that there is a single magistrate who is an elected guardian.

1775. If it is supposed that a magistrate sits on a board of guardians as an elected guardian, what objection do you see to his being appointed by the guardians as their representative on the financial board?—I think it would be dividing it more to the satisfaction of the ratepayers, who might, perhaps, imagine, though it might not really be so, that there was a majority of magistrates on the financial board, and I think that that impression should not be given at the first outset.

1776. Does not the magistrate who sits there sit as a ratepayer, and therefore may he not have the confidence of the ratepayers just as much as any other ratepayer?—That might certainly be the case, but the magistrates of the East Riding are not very large ratepayers; the magistrates of the East Riding are composed, to a considerable extent, of clergymen who pay a very small portion of the rates.

1777. You are probably aware that in Lancashire

cashire a great many of the chairmen of boards of guardians are magistrates; would you say that they should not be elected by their own boards as their representatives at the financial board?—I think that they would have an increased degree of influence, and would perhaps check and prevent the elected members from acting as they thought desirable. The magistrates, of course, have more power and influence than the elected members might be considered to have, and where there are an equal number of elected members, I think that ought to be considered quite satisfactory without allowing others to be connected with them, otherwise there might be some idea that they would swamp the action of the elected members; the ratepayers would have that impression. I do not think it would be so really, because I believe that the magistrates generally would act with us, and there would be no clashing of interests whatever.

1778. Would not it break through your principle of taxation and representation going together if you do not allow those who are elected by the ratepayers to be representatives merely because they happen to be magistrates also?—I think if they were entirely an elected body it would be so, but here they would only one-half be an elected body. If they were all an elected body I should have no objection.

1779. Perhaps you do not know that there are several instances which have taken place in Lancashire where gentlemen have acted as chairmen of boards of guardians for a number of years, and have been placed on the commission of the peace after a number of years' service as guardians; would not you deprive them very much of the confidence that they have if you were to lay down a strict rule in the way you suggest?—I think, as only half the members of the board are elected, it would be objectionable. If they were all elected, I think decidedly there should be no line drawn as to who the parties should or should not be, but as only one-half are elected, it would be considered highly objectionable that magistrates should be selected to be on the other half of the elected body.

1780. Have you thought of the difficulty in carrying out this Bill in appointing financial boards, that in towns they, generally speaking, manage their own gaols and their own police, and you could scarcely give them a representation upon the board; the county magistrates manage the county police and the county gaols, and the town councils, generally speaking, manage the town police and the town gaols; would not it create great difficulty if you were to bring all the representatives of those towns upon the county board?—I think that they have already elected members, because their affairs are managed by their council, therefore the management of borough matters is by an elected body, the town council.

1781. You would leave the management of the boroughs as it is; you would not give them any voice in the management of the county expenditure?—No, decidedly not; they are separate, and I think they are better kept separate.

1782. Do you know how the appointment of the police is managed in your district of Yorkshire; when a district wants an additional policeman, what course do they take; do they call a meeting of the ratepayers to memorialise the magistrates for the appointment of an additional policeman?—No; I believe there has been no thing of that kind done in the East Riding; has been entirely managed by the magistracy.

1783. Lord *Henley.*] Do you think that would satisfy the ratepayers if some person representing them were to be put upon the finance committee of the quarter sessions as at present constituted?—Yes, I think that would be satisfactory to the ratepayers.

1784. Have you had experience as to the working of those finance committees?—No, in county matters I have not.

1785. You are probably aware that the powers of those committees are limited merely to auditing and arranging the accounts?—I am aware of that.

1786. Do you think that the mere joining in the auditing and arranging of the accounts would be sufficient to satisfy the ratepayers without their having any voice in ordering or countermanding fresh expenditure?—No, I think that they should have a voice in the expenditure as well as in auditing the accounts.

1787. That was why I thought that in saying they would be satisfied with merely having a member or two on the finance committee, you were saying rather more than you intended to say; it struck me from the rest of your evidence that that would be hardly a sufficient concession to satisfy them; would not that be so?—If I have given the impression that merely assisting in auditing the accounts would be at all satisfactory that certainly was not my intention.

1788. Would they not require a voice in the general management of the expenditure?—I believe that is the feeling.

1789. Have you looked at Mr. Wyld's Bill?—Yes, I have.

1790. That Bill would institute financial boards with a sort of concurrent power of managing the finance with the quarter sessions, would it not?—Yes.

1791. Do not you think that the financial boards instituted by that Bill would be constantly coming into collision with the quarter sessions on matters of finance?—I see no reason why they should, for their interests are identical.

1792. Do you not think that it would be a better arrangement that a certain number of the representatives of the ratepayers should be sent to join in the first day's business at the quarter sessions?—No, I should not think that necessary. My impression is that the duties are not so difficult to comprehend, that it would be necessary for them to have that kind of teaching.

1793. You see no fear of collision between two such bodies as Mr. Wyld's Bill would create?—No, I cannot see any reason to fancy that such a thing might occur.

1794. Lord *Edward Cavendish.*] Are there many men in your division of the county who would be willing to serve on such a Board, and who could give up time and trouble to it?—A great number; there would be no difficulty in finding them.

1795. When the subject has been discussed has there ever been any idea that they should have their travelling or other expenses paid, or would they serve entirely without any remuneration?—They would act voluntarily in the same way that the magistrates do.

1796. Would not they require any remuneration?—I believe not.

1797. You

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1797. You never heard that proposition raised? No, nothing of the kind was ever intimated; I ould imagine that such a thing was never thought , and that such a thing would never be desired.

1798. *Chairman.*] Have you any other inforation which you wish to communicate to the ommittee?—Nothing more than generally. I look the general principle, and that general principle, my opinion, might be carried out by each board guardians appointing some person to act with equal number of magistrates. I have no parular observation to make, but merely to speak nerally as to the principle.

1799. You have no plan in your own mind hich you could communicate to the Committee? —Nothing special, beyond merely having parties elected upon an equality, and then, when they are elected upon an equality with the magistrates, they should carry out the arrangements in the same way as the magistrates do, by sub-committees, or in any other way they might think desirable, as the magistrates at present do in carrying out county matters.

1800. Mr. *Scourfield.*] Are you at all acquainted with the average rental which is paid by the guardians who attend your union?—No; not the average. I may say that they are paying from 200*l.* to 1,500*l.* a year; I should think there are few who pay less than that, and very few pay so little.

Mr. CHARLES HIGBY LATIMER, called in; and Examined.

Mr. *C. H. Latimer.*

1801. *Chairman.*] WILL you state to the Comittee any information which you have with spect to the subject which they are now invesrating?—Having been chairman of the board guardians of the St. Alban's Union for upwards 10 years, I have had some experience and owledge of the expending of rates, and also of e feeling of the ratepayers. I wish just to state at the feeling which calls for the change which proposed by Mr. Wyld's Bill has originated in is way. They find that over the expendire of some 50 per cent. of the poor rates they ve a voice, and some control through their presentatives, the guardians, but over the other per cent. they have no voice in the expenditure, d no control whatever.

1802. Will you limit your observations to the unty rate, which is the only subject of inquiry fore this Committee?—The county rate and the erty rate are paid from our poor rates.

1803. I understand you that 50 per cent. of ur rates, you think, the ratepayers have no ntrol over?—They have no control over them regards the expenditure in the union of which have been chairman, and I believe it is pretty early the same everywhere. Of course it varies different counties, because the rates are higher some than in others; the police rates may be gher in some, and the county rates may be gher in others, but that is the grievance in ertfordshire. They feel generally that the poor tes are paid by the industrial and occupying pital of the country, and they feel that they are id from the industrial portion of the capital, and e not paid direct by the landowner or the houseвner, and therefore it is that having no control er one half of the rates collected upon the instrial capital of the district, it leaves them in a ate of discontent because they find the rates owing and increasing upon them, and they have ntinued to increase gradually in our district for e last 15 years, and the rates being the only rtion of the occupying tenant's payments which would be benefited by reducing, he feels that has a double interest in claiming some voice in e public expenditure.

1804. Do you know anything of the general penditure of the county rates?—The general ministration of the remaining 50 per cent. over hich he has no control, that of course belongs the county and public expenditure.

1805. Can you state to the Committee the tails of that expenditure?—I can give you the tails as afforded from our union, which I have ken out. There are the liberty or county rate, and the police rate, and the establishment charges on the union, and the lunatic asylum charges which are beyond our control. The portion of the rates to which I allude are classed under those heads; in different counties they would take different names. The liberty of St. Alban's is a liberty which extends over a certain portion where they pay liberty rate, and they do not pay so much county rate, but where there is no liberty rate it is the county rate.

1806. Does the liberty rate go in aid of the county rate?—It answers the same purpose; it is collected upon the liberty, upon a given district by an old charter; it does not extend over the whole county, nor yet over the whole union. The whole town of St. Alban's would be in the liberty, but some of the adjoining parishes connected with the union are out of the liberty.

1807. Is the liberty rate raised in part payment of the expenses of the gaol and the lunatic asylum?—It is the same as the county rate would be, and it answers the same purpose exactly. In support of the principle which I have named as regards the rates not being levied upon the proprietors of property, I ask anyone to show me how they would do with unoccupied property. You cannot collect rates from unoccupied property, and therefore it must be from the occupation which the law supposes to be beneficial.

1808. Have you any information to give to the Committee as to the general expenditure of the county rates?—It is generally managed by the magistrates; the ratepayers have no control whatever over it. I am not here to bring a charge of recklessness or carelessness against the magistrates, for I believe many of them are most estimable men, and they give a great deal of time to the management of public business, but this is the basis of my conclusion in the matter. As chairman of the board of guardians I have always found in reference to every application for relief the benefit of local knowledge, and that local knowledge can only be gained from local guardians. Every gentleman knows his own district and parish, the character of the arrangement, the merits or demerits of individuals, and therefore it is this very local knowledge which is so beneficial in the expenditure of the poor rate, which would be equally beneficial as regards the expenditure of the public rate.

1809. Is there any strong feeling in favour of requiring the establishment of control over the expenditure of your own county?—There is a very strong feeling on the part of all the large farmers in the county, and also of many inhabitants

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tants in the towns. They feel that they have no control whatever over the expenditure; it is a growing and increasing burden, and they feel that it is their duty as well as their interest to try to check it.

1810. Are there any special items of expenditure about which they complain?—The police rates have increased and the county charges generally have increased, but I cannot give the particulars as to the items, for I have not had time to collect the items, so that I cannot speak critically as to the figures, but I speak upon general principles. The rates have increased, and in frequent cases public dissatisfaction in the local districts has been occasioned by the charges for bridges, and charges for different things, gaols and so forth.

1811. Do you say that the expenditure of the police has increased?—Yes.

1812. To what extent?—It has increased, in round numbers, some 10 or 12 per cent. during the last 9 or 10 years.

1813. Have you got any paper or document which you can lay before the Committee in support of this statement?—Not having had time to do it, I should prefer not to give the figures if I could not give them correctly.

1814. What do you say with respect to the gaol expenditure?—That has increased, but I cannot tell the exact amount, but speaking of the rates altogether, I think the general increase of the rates has been from 10 to 15 per cent. during the last 10 years; it has been gradually increasing up to that amount.

1815. Are you here to give information as to the general feeling of discontent which prevails in your district?—Yes; and to give the grounds of the feeling which the county entertains of the advantages which would result from infusing fresh blood and local knowledge into the local county expenditure, as I may call it, because in different parts of the county the magistrates at quarter sessions represent the property and the rates of the whole district, but many of them do not know those parts, and they must be dependent upon local information if they get it correctly. The ratepayers living in the district fancy that they could frequently correct mistakes, and show that the expenditure has been very excessive without such facts coming to the knowledge of the magistrates in any other way, and therefore that is one reason why they demand to have a voice in what they call the local expenditure of the other half of the rates, so to speak.

1816. Can you give any particulars as to the expression of feeling?—I should not like to be invidious; speaking of different parts of the county the feeling would be stronger, no doubt; I think it might be rather invidious, but speaking generally I find only one feeling amongst the ratepayers; they generally all feel more or less the want of this machinery, and the necessity of it; but as to the form or shape, perhaps, they are not all prepared to say which way it should be; but of this I am sure that if it was not for the local supervision by their guardians as their representatives the poor law expenditure would have been increased and caused considerable discontent.

1817. Have you any remarks to make to the Committee as to the nature of your complaints, and the remedies which you would propose?—I should remark that this feeling has been increased by the general conviction that pauperism is likely to increase from the present state of labour throughout the country; we have had an increase of vagrancy going on.

1818. Our inquiry is confined especially to the expenditure of the county rates, and we are seeking information as to the feeling of the ratepayers as to the control over the expenditure of the rates raised for county purposes; will you confine your attention to that subject, and give us all the information you can upon it?—I am sorry to say that I cannot give you any critical information as to the figures, but as to the general feeling, I have expressed it as nearly as I can; I feel quite sure that without some such measure as has been proposed there will be dissatisfaction.

1819. Will you state in what way you propose that the representation should be exercised —There can be no doubt whatever that there ought to be one lay proprietor to a magistrate there ought to be one at least to each magistrate and that they ought to have some control over the expenditure of the rates, and not only in the casting up the items; I mean one representativ at least from the ratepayers to one magistrate that would not be excessive; then I think tha the control over the expenditure, when it is a question of expenditure, should come before them as a body, because the mere auditing of accounts would not satisfy the ratepayers.

1820. Do you think that the ratepayers ough to have some direct control by their representatives over the expenditure?—I do.

1821. Is that feeling universal throughout you district?—It is; and the impression is, that i they could obtain it in a fair and honourable way they should be able to check the expenditure o the rates to a considerable extent; they may be mistaken, but that is the feeling.

1822. That feeling does not arise from any distrust of the magistrates, but merely from the idea that the ratepayers ought to be represented —Yes, certainly, from the continual increase o the rates, and from the dread of their furthe increase.

1823. Is it in your power to give the Committee any detail of the complaints which are made, and the reasons why those complaints ar made?—As to the grounds of those complaints we hear locally from them that the expenditure is generally excessive in their estimation, and might have been very considerably curtailed i some practical man of business had been consulted by the magistrates before such expenditure had been incurred. That is the general feeling; i may not be correct.

1824. I understand that your remarks are general?—General, not particular.

1825. You cannot particularize them?—No; I would not be invidious in that way, because we are speaking of public principle, and we mus treat the matter upon public grounds; there are no personalities, I think, about it, nor is there any charge against any of our magistrates.

1826. Are you acquainted with the owners and occupiers in the county of Hertford generally?— think I am pretty generally known; I think there are very few parts of Hertfordshire wher my name is not known, and I believe very few men have had more acquaintance with agricultur in the county than myself.

1827. Have you an extensive acquaintanc with the ratepayers of the county of Hertford —I have, for many years.

1828. Can you state what the feeling is with

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respect to the county expenditure ? — I have endeavoured to describe it as correctly as I can, that there is a very considerable distrust and growing discontent, and unless some measure of this sort is passed by Parliament, depend upon it you will find that that distrust will increase, and that want of confidence, as it were, in the expenditure of the public rate will create a great deal of dissatisfaction.

1829. Would the ratepayers be satisfied with something like the machinery proposed in the Bill which has been laid before Parliament ?—I think they would when once they see it in working order, and are convinced that it would be efficacious. They must have that confidence, or else it is no use passing such measures, but they are willing to try, and if such a proposition is carried into effect, and it answers the purpose, they will be very well satisfied ; and if they found it otherwise, they would but have an infusion of fresh blood from the industrial local capital of the county.

1830. Have you any further information upon the subject to give to the Committee ? —I am connected, as vice-chairman, with what is called the Chamber of Agriculture for our county. I can state that I am thoroughly acquainted with the feelings of a large number of the members of that body, and I have heard them express them at public meetings very strongly. have taken part in the discussion, and have endeavoured to guide them in this way, that taxation and representation should go together, and that they are quite justified in giving expression to their wish to obtain a control over the expenditure of the rates. I believe that they do not want anything unfair ; they would be quite satisfied with a reasonable and practicable plan which might be carried out by the wisdom of of Parliament for the purpose of giving them some voice in the expenditure, and some control over it.

1831. Is that the feeling with the majority of the ratepayers throughout the county of Hertford ?—I will venture to say, as far as my experience goes, that that is the feeling of 19 out of 20, at all events.

1832. Are you here to lay that feeling before the Committee ?—They have required me to attend to-day, very much to my own inconvenience. I was not prepared to go into the matter, hoping that they would find some other person to represent them, but they thought that I should be the best respresentative and exponent of their feelings, I suppose.

1833. Admiral *Duncombe.*] I think you divide the expenditure of your county under two heads in round numbers, 50 per cent. upon the poor law expenditure, and the other 50 per cent. upon the county expenditure ?—I take it in general terms, that it is something like that.

1834. Of course, we have nothing to do with the poor law expenditure, but take the 50 per cent upon the county expenditure, you say that it has been considerably increasing of late years, and that the ratepayers generally are dissatisfied with the increased expenditure ?—Yes, they are becoming more and more dissatisfied with that increase, feeling that they have no control over one-half of the expenditure.

1835. Is that without actually knowing that there is any power, even if they were further represented, of curtailing or diminishing the expenditure ?—They feel themselves helpless in that department, because they have no immediate representatives but the magistrates ; they do not sit at the quarter sessions, and they have no power of saying a word with regard to expending the public money for bridges, the erection of gaols, or the repair of the gaols, or the expenditure of the police rate.

1836. I understand that they wish to be represented on this board, from which the expenditure emanates, without knowing exactly whether they could, if they were there, curtail the expenditure in anything ?—Certainly ; they only demand that supervision which the law entitles them to ; of course they expect to gain an advantage, but they are not certain as to the results.

1837. You alluded particularly to the increased expenditure upon the police ; you are doubtless aware that wages generally throughout the country have increased, and that has necessitated an increase of wages throughout the police force ?—Yes, but there was an increase in the number as well as the wages ; I do not know about the wages particularly, but still the whole expenditure has advanced without going into the items.

1838. Without going into details, do you coincide with the evidence which you have heard the previous witnesses give this morning as to the composition of those financial boards ?—Yes ; I think that that is something like a fair basis ; I do not know where you are to get them from, but this I will particularly say, that in speaking of magistrates, there was a question put upon that point whether you would exclude the boards of guardians from sending magistrates. To that I would just answer in this way : the magistrates, as a body, are always *ex officio* members of boards of guardians, and, therefore, to send magistrates would be, in my view and in the general view, to increase the present body who have the whole control of the expenditure. I think that leaving the guardians at liberty to choose the best men in their union to be right, but do not confine them to this, and say you shall send a magistrate, let it be the best man in their union ; I do not say a guardian as a guardian, because the men who have had the most experience in expending public money get tired out sometimes ; it is not a very lucrative office, and consequently those men who may have been best qualified may retire from the board of guardians, but still be willing to assist in those financial arrangements at the quarter sessions and so forth.

1839. Your opinion is that the elected representative of the board of guardians should be any individual who they might select from the whole of the union to the exclusion of magistrates ?—Yes, I do not think that they ought to elect magistrates ; I am quite satisfied that it would be very rare that any district would ever wish to elect a magistrate ; it seems a contradiction in fact.

1840. If the election was confined to some one within the board of guardians themselves, of course it would be an elected guardian ?—Yes, they would select the best man, the man in whom they had the most confidence.

1841. But you think that it would give more satisfaction to the district and the union in which that board assembles that it should not be restricted to an elected guardian, but that they might select the best man in the whole union ?—Certainly ; that I think is a proviso which you ought to leave them.

1842. Mr.

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1842. Mr. *Neville-Grenville.*] But supposing the best man in the whole union happened to be a magistrate who was not put upon the board by the court of quarter sessions, you would then interfere with the choice of the electors and would not allow them to elect him?—You are speaking as if this gentlemen as a magistrate had no power to take counsel with his brother magistrates or to give them advice.

1843. No, I am asking you a question that follows upon the answer that you gave to my honourable friend; you say that you do not wish the power of the electors to be restricted to the guardians, but you wish them to elect the best man in the union; I then put the question to you, supposing that in their opinion the best man should happen to be a magistrate, you would restrict the power of electing him?—I think that it is an absurdity in one sense, because I know their feelings in this way; they want representatives in whom they have confidence and who pay the rates.

1844. Assume that they had confidence in the magistrate that I am supposing?—The magistrates in quarter sessions, all sit upon the same bench, and they can always have the power of giving a vote, and therefore the magistrates are represented. In answer to the honourable Member's question, I say certainly not, because I know that at the boards of guardians the magistrates are frequently looked upon with suspicion as being an irresponsible body.

1845. I am assuming the extraordinary fact of there being one magistrate in a district who was not looked upon with suspicion, but who did command, odd as it may appear, the confidence of the whole of that board of guardians?—It would be a great pity to exclude him, but I think it would be an isolated district if you could find such a one.

1846. Still you would exclude him?—I would exclude him, because of what I have mentioned already.

1847. Colonel *Wilson Patten.*] Supposing that the magistrates selected a certain number of their body, and excluded from their body a magistrate who by the guardians was supposed to be the cleverest and most able man in the county, would it not be an injustice to the ratepayers to exclude a man that they considered to be their best representative, but who had been excluded by the magistrates?—You are supposing a supposition of a magistrate, an extraordinary man, and that his own body would not associate with him, and therefore the ratepayers might be inclined to choose him in opposition; that would be a very singular idea.

1848. Will you explain your opinion, and give your reasons why, when the best man in a district has been excluded by the magistrates, the ratepayers are not to have the option of putting him into the management of their affairs?—Because I consider that the classes of men are distinct, and I consider that the magistrates as a body represent fixed property, and I consider the elected guardians are the representatives of the guardians; and in the case of public expenditure they represent the industrial capital of the country; there is the greatest difference between those two classes.

1849. The magistrates are generally speaking the largest ratepayers, are they not?—They are not the largest in general.

1850. In the long run, I presume it is generally the case, that the magistrates are amongst the principal ratepayers of the county, and therefore I want to know why a large ratepayer who is supposed to be the best representative of the ratepayers is to be excluded, simply because he happens to be in the commission of the peace?—Because he is already sufficiently represented by most of his order, for his share of any expenditure, and the other party is not.

1851. Supposing that this gentleman, as a magistrate, is not put into the committee of magistrates, and the ratepayers think that he ought to be there, why are they not to have the power of putting him there?—It is a very extreme case certainly, to suppose that where there is a doubt in their mind, the ratepayers must choose him, but I should say that such a thing would rarely or ever happen at any time; I think it would be almost an impossibility.

1852. We have had evidence almost unanimously (and you are the first that I have heard express anything to the contrary), that the ratepayers have no complaint to make against the magistrates, except that the wish of the ratepayers now is to have a voice in the expenditure of their own money; till you came we have had no evidence against the magistrates as a body?—I have already stated that I have no personal charge against the magistrates as a body, nor against any individual. I think I stated at the first that I would not make an invidious remark with respect to any one, therefore you cannot accuse me with bringing a charge against the magistrates invidiously; but I simply mention the fact generally, that they are represented sufficiently already; and why is it to be supposed that the industrial representatives of the county could not find a practical man in whom they would have confidence to manage their local affairs? It is an assumption that I cannot for a moment recognise.

1853. Then you are in fact against the magistrates being on these elected boards under any circumstances whatever?—In any fresh election they are already represented, and they disburse the whole expenditure of the county.

1854. Mr. *Kavanagh.*] Could you tell us what is the kind of excessive expenditure that you referred to?—It is the general county expenditure which I cannot critically prove by figures; but that portion which is called the county expenditure.

1855. Is there any particular item that you refer to with regard to the lunatic asylum, or the police, or gaols, or anything else?—No, I speak of it in general terms, that the amount is generally an increasing sum of late years. It is what the ratepayers have no control over, and they do not look upon the owners of property as ratepayers except they are occupiers, and then of course they are.

1856. Are you acquainted with the way in which the county business is managed?—I know something of it. I believe we have got some very good men in our county.

1857. Do you know what power the magistrates have over the sums that are levied by rates?—It is entirely under their direction, subject to the approval of the Secretary of State. With regard to the management of the gaols, our magistrates appoint the committees, some to superintend the gaol, and some to superintend the police accounts, and so forth, and those committees give up their accounts to the quarter sessions, and they are mostly acquiesced in by the chairman

hairman and the general body of the magisrates.

1858. Are you not aware that the magistrates n those finance committees have no power to riginate any new work or any new expense?—Not except with the approval of their brother nagistrates.

1859. Nor even with that unless it is sanctioned by Act of Parliament?—They can make representation to the Secretary of State, if they ind anything necessary to be done, and therefore t is under their supervision, or their direction, or heir control.

1860. They have no power of themselves as a ody to originate anything unless it is sanctioned y Act of Parliament?—But have the ratepayers ny power? that is the point.

1861. Are not the ratepayers represented by heir representatives in this House from which rst proceeds the power to tax?—They have no epresentatives at the quarter sessions, or in the ublic county expenditure.

1862. But are not the ratepayers represented ere in the House of Commons?—They should e so to a certain extent, no doubt, but that is nly one piece of the machinery.

1863. But the power to tax originates, does it ot, with this house first, and not with the magisrates?—Undoubtedly.

1864. And here they are represented?—Yes; nd the Secretary of State, as I observed before, must be appealed to, and he will have to appeal o the House.

1865. Do not you think that in that way they re in a great degree represented?—Our county members can be appealed to by their constituents, nd they generally promise that they will support ny well-considered measures. They say, You must go and make out your case, and if you have ny grievance, go before the committee and make ut your case; and this committee, I believe, is itting for that very purpose.

1866. I think I understood you to say that ou would not be satisfied with the mere power f auditing the expenses on the part of the rateayers?—That would not do much towards ecoomising the expenditure. We want something more than that.

1867. Then you require that the representaives of the ratepayers should have the power hat the magistrates now have?—I do not think hat, because in the expenditure of the poor-rate, hich is one-half of the whole expenditure, I ave found that the magistrates representing the xed capital at the board, always acquiesce in very question of economy when pointed out by he ratepayers. I have certainly seen them come s patrons of an applicant, and support him at rst, but when a common-sense argument has hown that the man brought on his distress by rofligacy, and that he was aggravating his isease and injuring his family, I think the *ex officio* uardians would generally say, "We cannot enourage that, and we therefore go for economy." nd so they would with regard to the county exenditure. We are convinced that the magisrates, as a body, want that local knowledge hich some proper representative of the rateayers only can supply, who have a local knowdge of their districts as to what sort of bridges here are and what sort of repairs are done, and he local representatives would inform the magisrates much better of the state of things. They ay have surveyors, but they want looking after.

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1868. You think that locally it would be an advantage to the county to have the ratepayers represented on the board; it is not merely from principle that you advocate it?—I am sure that it would be, economically, an advantage, and I believe that it would give great general satisfaction, whereby it would be a public good, because you must be aware that harmony between the ratepayers and the magistrates is a very desirable thing in a county.

1869. Do you think that if those boards were so constituted, the magistrates and those representatives of the ratepayers would act in harmony?—I am sure that it would create a better feeling between them, and it would give more confidence because they would have a mutual interest in consulting together. The magistrates very probably would challenge those men to show them how things could practically be carried out at less expense, providing, of course, that they must have things done properly. Then, I think, that by mutual discussion, they would come to a sound conclusion upon most matters, and I hope an harmonious one.

1870. Is there any jealousy at present existing between the ratepayers and the magistrates in your county?—There is a very considerable and growing jealousy upon this ground (I do not know that there is upon any other), they look upon them as dispensers of funds over which they have no control or voice in the matter of excessive expenditure.

1871. Have the ratepayers ever attempted to influence the magistrates without success?—They have expressed their opinions at election times, I am told. You will observe that election times are the only times, perhaps, when members are impressed with the necessity of turning their attention to these subjects.

1872. I do not refer to members now, but to magistrates on financial boards. Supposing there were some scheme in course of progress of which the ratepayers did not approve, did you ever know of a case of their having pressed their opinions upon the magistrates without any effect?—I have never known a case where they have expressed them in a public meeting and charged them with wilful expenditure or anything of that sort, but I have known an expression of discontent, but it has been rather privately than publicly. It is very difficult to get up a public meeting to asperse the magistrates; and it would be a very unpleasant affair.

1873. Mr. *Kendall.*] How many county magistrates are there in Hertfordshire?—I certainly cannot tell exactly, but it is a considerable number; a good round number.

1874. Have you enough of them?—I think we have plenty, because we have a good many who do not act at all.

1875. Are many of them clergymen?—Yes, there is a good proportion of clergymen.

1876. Is it a large proportion?—Quite enough, I think.

1877. Are the larger proportion of them clergymen?—Not the majority, but there is a considerable per-centage of clergymen.

1878. Are we to understand from you, that in your opinion, a great deal of extravagance arises on the part of the magistrates from the want of knowing better?—From the want of local information bearing upon the questions that are brought before them.

1879. You gave us just now an example of the *ex officio*

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officio guardians being able to ask for local knowledge from the guardians of a particular parish, showing that without that local knowledge they would very often be in error in dealing with any particular point; and upon the same ground, unless you can get some infusion of new blood amongst the magistrates from the ratepayers they cannot have that local knowledge which is necessary to make them economical?—That is it, unless it is a district with which the magistrates are personally aquainted.

1880. As you have plenty of magistrates, do not you think that you must always have a magistrate near at hand who is well acquainted with local matters?—A very large proportion of the magistrates in my county do not act at all; and it is very difficult to get many of them to take a case at all. They are content with the barren honour, and there they remain. In my own district they will not act, they will not take a single case.

1881. Do the *ex officio* guardians attend the board much?—Yes, they always attended very strongly whenever there was an important question, such as electing a chaplain or anything of that sort; but in a general way if there is much hard work to be done, we do not see so much of them, perhaps, as we would like to; I have seen the lord lieutenant of the county and some half-dozen magistrates come with him who would sit at the board and acquiesce in their decision; but if there was a case in which they had a personal interest I can tell you that the board of guardians are sometimes practically in very great dread of them because they know they come for a specific purpose, and they do not do much work.

1882. I want to know, generally speaking, whether they take a fair share of the work as *ex officio* guardians, or whether there is a falling off; supposing there are 10 *ex-officio* guardians, do you find that the 10 attend generally?—We find that there is a gradual deficiency in attendance, but I must inform you that I am not chairman now; I was obliged to discontinue it some time ago for my health; I found a gradual discontinuance of the magistrates to sit at that board, and I find now from the reports that they very rarely attend unless they have got a special object to carry out.

1883. There is no special grievance in your neighbourhood is there between the magistrates and ratepayers, or anything that has created a quarrel between them?—There may have been some cases of medical neglect and bad management and so forth. Those cases will arise.

1884. I gather from you that you do not know very much about the working of county matters; but all you do know is this, that the rates are increasing very much and you think that that must arise from a want of supervision on the part of the magistrates?—The general impression is that a greater amount of supervision would lessen the rates.

1885. You have not given us any idea of any specific instance of extravagance; is that because you do not know of extravagance, or because you do not like to point out any particular extravagance; you have been very bold in some of your statements, and I should ask you to be bold and tell us whether you can point to any specific extravagance rather with regard to the gaol, or the asylum, or the police, in which you think that the magistrates have been careless or have acted thoughtlessly, or whether they have done anything which, if they had exercised a sound judgment, they would have done better?—I should decline making any such charge, because I do not think that I could fairly substantiate it, and I would not asperse any magistrates or any individual.

1886. But you do now make this general complaint; first of all, that the ratepayer is not represented as he ought to be, and that he ought to have a part or voice in the expenditure?—Yes.

1887. And you say that he ought, at least, to have one man on the board for every magistrate; do you think that if he had one he would be content with that, or would you have more?—That would be quite sufficient for me, if they could work harmoniously together.

1888. And if they could not work harmoniously together, you would put the fault upon the magistrates?—Would it answer the purpose if they did not, that is the question?

1889. Up to this moment we have heard of nobody who wanted more than one man for every magistrate, one against one; I do not find that you estimate the magistrates at all, but you think that a ratepayer is as good as a magistrate?—I think so, although I have said before that some such system would work well, because I believe that there is a desire to work harmoniously upon matters of economy in public expenditure; I have always found that with the magistrates myself.

1890. Mr. *Henniker-Major.*] You said that 50 per cent. of the rates were spent in the county rate, and 50 per cent. in the poor rates; have you any idea what amount, by the last return, was raised in the liberty of St. Alban's last year?—I have not got the figures of the last year or two, but there is a little advance.

1891. Can you state the exact amount that was raised?—No; I could give you the whole amount of the year's expenditure in the union, and I could give you the heads of the expenditure. When dividing those heads, and taking the several charges, I have come to this conclusion, because I have these figures; the accounts are made up in this way. The poor rates go through the hands of the distributor, that is the clerk, and he has to pay all the charges with the consent of the guardians for the union house every week for in-maintenance and for out relief, and all the claims upon the guardians; and I find that he has to pay on the other hand to the county treasurer, the county rate or liberty rate, and the establishment charges, and so forth, which amounts, as I said, in round numbers, to something like one-half of the rates.

1892. Can you state the amount that was raised upon the county rate?—I cannot give the exact figures for last year, I have not had time to collect them; but the general expenditure of the union was something between 10,000 *l.* and 11,000 *l.* per annum, in round numbers; and the items of expenditure are given under those various heads which I have sketched out, the county rate, the liberty rate, and the establishment charges, over which the board have no control, amounting to nearly 50 per cent. of the whole rates.

1893. What were the exact sums?—I cannot give you the exact sums, but I speak in round numbers, and I am very nearly correct; I do not speak critically as to shillings and pounds, but I speak upon the principle.

1894. You looked carefully into it before you made that statement?—Yes.

1895. You say that the county or liberty rate has

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very much increased, have not the poor's rate
eased to as great an extent, if not to a greater
nt ?—I said that they have all increased ; that
say, the general expenditure has increased
10 to 15 per cent. during the last 10 or 12
s, and I said that it is growing and increas-
every prospect before me shows that it
increase unless it is stopped.

96. You stated, did you not, that you
ght that there was great extravagance in
county of Hertford ?—I did not say that.

97. Can you state any particular instance
hich the magistrates were blamed ?—I beg to
that I think the Honourable Member mis-
erstood me with regard to the word "extrava-
ce ;" I do not think I used it, nor did I make
individual charge. I wish to state that I
k we have some very excellent magistrates ;
I still think that they would be assisted by
nfusion of practical men, who could give them
l information upon subjects which would add
much to their judgment and determination
ublic expenses.

898. You do not say that the magistrates
been extravagant in the management of the
nces of the county of Hertford ?—I do not
ge them with extravagance, but I merely say
the feeling of the ratepayers is that they
d economise somewhat if they could express
r opinions upon these matters.

899. You were saying that you thought that
magistrates were all from a particular class ;
you aware that a great many magistrates
ughout the county represent the industrial
ell as the territorial wealth of the country,
that there are a great many magistrates who
manufacturers and also large farmers ?—I
w that a county magistrate, must have a cer-
amount of property in land, and I call that
d capital ; he may occupy the land and be-
e a ratepayer ; but if he lets it out, the
ant is the ratepayer and not the owner. That
he principle that I am referring to, and it is
n that principle I say that the owner is already
resented by his class, and that his occupier is
represented, supposing he lets his property,
is the point.

900. You do not say, do you, that there are
magistrates representing the industrial capital
he country ?—I do not say that, but I merely
that they represent fixed capital, and it is
ady sufficiently represented. I think that you
agree with me that as there are a large num-
of magistrates who do not work, therefore the
ies fall upon comparatively a few ; and I think
t some of them might come and help us, in
we had fresh blood infused into the financial
artment of the county ; that is my sole object,
ave no personal feeling against the magis-
es in any way, I think they are very good

901. Mr. *Heneage.*] You know that those
epayers' representatives must be elected by
e body ; do you think that the board of guar-
ns would be a proper body to elect the re-
sentatives of the ratepayers on the financial
rd ?—I do not think there is any other better
ans which you can adopt, if you give them
rty to choose out of their own rank.

902. Do you think that their freedom of elec-
should be in any way fettered ?—To a certain
ent it might.

903. Do you think that they ought to have
edom of election ?—I do think that they
should nominate any machinery which could be totally unbiassed.

1904. You think that they ought to have freedom of choice out of their union ?—Yes, I do think so.

1905. As a rule they generally choose very good men for their chairmen, do they not ?—They choose the best practical men they can find, in whom they have the greatest confidence.

1906. You would not prevent their electing their own chairman for their representative on the financial board would you ?—I should think it would be an absurdity, simply because he is a magistrate ; and when the whole expenditure is in the hands of that one class, it seems absurd to ask permission to elect a magistrate.

1907. I ask, do you think that the chairman of the board of guardians, who is, generally speaking, carefully selected, is a proper person to sit on the financial board ?—I should say, in a general sense, he would be, to represent the ratepayers on that board.

1908. You just now said that, as a rule, they generally choose their best men for their chairmen ?—Yes ; I think that may be true as a rule.

1909. Do you not think that their chairman is a fit man if they choose to elect him to represent them on the financial board ?—I never said that he was an unfit man.

1910. Do you think that he is a fit man ?—I think, if a magistrate, he would not represent the interest of the ratepayers as well as one of their own body ; that is the answer that I have to make.

1911. Do not they choose the best man as their chairman ?—I believe they generally do, but I do not say that they always do.

1912. Do you wish to preclude their choosing their best man as their representative at the financial board ?—I said in an ordinary way that they did choose the best man, but at the same time they would greatly prefer having one of their own order as their representative in the expenditure of money. I have known instances where *ex officio* chairmen have sat at boards to the very great dislike of a large number of guardians.

1913. Do you mean that the chairman of the board of guardians has been disliked by his board ?—Yes.

1914. Why did they elect him ?—Because the majority of the *ex officio* guardians would come and assist a certain portion of them in electing a magistrate over the heads of the elected guardians, and they do not like to have a man lifted over their heads to sit in the chair and override all their decisions.

1915. Is that the case in any union that you have known in Hertfordshire ?—I have known it done in the early days.

1916. Is it the case now in Hertfordshire, in any union that you know of, that the chairman is distrusted by the board of guardians ?—I know that the feeling exists.

1917. Do you know any case in Hertfordshire where the chairman of a board of guardians is distrusted by his brother guardians ?—I do not know one at this present time.

1918. Do you know any case in any other county ?—I would not go into other counties ; I decline to answer that because I cannot. I would wish to state distinctly that I have known such instances in early times, but I do not now.

1919. You see that these questions are not originated by me ; they come from observations which you have already made ; you say that there are

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are instances, and I ask you if you know of one; do you think that the ratepayers would be satisfied if the finance committee were constituted half of ratepayers and half of magistrates, to look into all the accounts and report on all subjects of fresh expenditure which should be referred to them by the gaol committee or by the lunatic asylum committee?—If they had a voice and were fairly represented in the expenditure I think they would.

1920. I said half-and-half? — I think they would; I do not hear any demands made for an unfair jury of that description, and therefore I think they would.

1921. Lord *Henley.*] Have you the highway system in Hertfordshire?—It is just now passed by the magistrates.

1922. Have the ratepayers shown any feeling upon the subject?—A very strong feeling indeed against it.

1923. Have they any means of expressing the feeling?—None whatever. It was brought fo ward about the last quarter sessions, and ther was a representative of the ratepayers prese who wished to address the magistrates upon i but they would not hear him.

1924. Could not they find any magistrate wh was willing to take up their case?—They coul hardly do so for the majority were very much i favour of establishing the highway board.

1925. Did they make use of petitions?— believe they presented a petition which was num rously signed on behalf of a large number ratepayers but it was not attended to; therefor they had no voice, and no expression of the will or desire in the matter, and it fell to th ground. They were very much dissatisfied wit it; in point of fact they have no representatio upon this question.

At this period of the Proceedings, Colonel WILSON PATTEN took the Chair.

Mr. Edward Kelsey, called in; and Examined.

Mr. *E. Kelsey.*

1926. *Chairman.*] Do you reside at Oxted, in Surrey?—I do.

1927. Have you filled any public office there?—I have been a guardian in the Godstone Union for more than 30 years. I would wish, in the first place, to observe that my evidence will chiefly relate to the Godstone Union.

1928. Have you filled any other public situation in the county?—I have been a waywarden and vice-chairman of the Godstone board of guardians.

1929. Are you a considerable ratepayer in the county?—I am; I have been much larger than I am now; I am more retired now.

1930. Are you an owner or an occupier of land in the parish?—I am an owner.

1931. Have you anything which you wish to state to the Committee?—I would wish, in the first place, to observe that my evidence chiefly has reference to the Godstone Union, a union in which no increase of property has taken place in the way of buildings, &c., except in one parish, Caterham, and of the increase there the county has not availed itself in the matter of rates. The Godstone Union, therefore, offers a good test of the actual increasing burden of the county rates. I would wish to say that I have been a resident and a ratepayer in the parish of Oxted from 1829 to the present time. The county rates for the parish of Oxted for the first five years, from 1830 to 1835, averaged 31 *l.* 10 *s.*; in the same parish, for the year ending the 25th of March 1867, the amount was 165 *l.* 12 *s.*, or more than fivefold. After the formation of the union in 1835, as a board of guardians (we were not so compulsorily for a certain time), we paid the county rates from the funds of the union, and I have extracted the amount from the year 1838 down to 1868 inclusive, and divided it into periods of five years each. For the first five years, from 1838 to 1842 inclusive, the county rate expenditure of that union was 488 *l.* 17 *s.*; in the next five years it was 637 *l.* 1 *s.*; in the next five years I have omitted, unintentionally, to extract the county rate for the year 1849, and therefore the next period is four years, and the average for the following four years is 858 *l.* 11 *s.* 10 *d.*; in the five years ending with 1857 it was 1,222 *l.* 16 *s.* 4 *d.*; in the five year ending 1862 it was 1,269 *l.* 16 *s.* 2 *d*,; and in th five years ending 1867 it was 1,435 *l.* 6 *s.* 10 *d.* and the county rate for the present year, endin on the 25th of March last, is 1,622 *l.* 1*s.* 2.*d* almost fivefold what it was in 1838.

1932. How much in the pound is the rate a the present time?—The rates are sometimes 1 *d* and sometimes 1½ *d.*

1933. How many rates are there in any on year?—I am unable to answer the question because I have merely extracted the sums paid.

1934. Do you know the rateable value of th district to which you have just alluded—Yes, i has increased very much under the assessmen committee rating, and it is now 57,795 *l.*

1935. Has there been a recent assessment?— This is the assesment for union rating; th county rates are levied very differently from those at the present time; this is the assessmen upon which the poor rates are at present raised.

1936. What is the county rate?—I do no know the actual sum that it is assessed upon; I know by our own union that some parishes ar paying very much more in the pound tha others, in proportion to the assessment of th parish.

1937. You say that your rates have increased gradually from 1830 to the present time; have you looked into the matter during the whole of that time?—Yes, I have.

1938. Would you give your opinion to the Committee as to what is the cause of the increase?—It has been in a great measure owing to the expenditure in buildings; the county of Surrey has built a lunatic asylum at an immense expense, and it has been continued at an immense expense; that has been one cause of the increase, no doubt. It was built in 1840 to 1841, I think. The ratepayers complain of the magistrates that they are reckless in expenditure, particularly as shown by the building of the lunatic asylum, which was built and opened in 1842, at that time for the accommodation of 250 inmates, and it cost 67,467 *l.*, exclusive of the land, whereas no union house in the country for the accommodation of a like number has cost more than 10,000 *l.* And the great difference in the

expenditure,

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penditure, although for the same class of per-
ns, seems to be very unsatisfactory to the rate-
yers.

1939. What are the other items to which you
tribute the increase?—I would observe that so
pressive is the county rate, that in the year
ding the 25th of March 1866, when each
rish was charged separately in three parishes
the union, the county rate exceeded the cost
the in-maintenance, and the out-relief of
ose three parishes.

1940. Will you give us all the items of ex-
nditure which were the cause of that increase;
u say the lunatic asylum was one; what else
s there?—The goals: there has been a good
al expended on the gaols.

1941. Could you give us the amount ex-
nded upon the gaols, as well as upon the luna-
asylum?—No, I cannot; I am living in a
tired spot, and I merely take it from the report
the visitors' committee.

1942. Have you examined the accounts which
e published of the county expenditure?—We
arcely ever have the account sent us; at one
ne we used to have it, but now we do not.

1943. Is the custom of submitting a general
count of the county expenditure to each of the
ions done away with in your county?—It is
far as regards Godstone; I cannot answer for
y other union.

1944. For several years have you not had the
unty expenditure laid before you?—We have
t for several years.

1945. Do you think that the dissatisfaction in
ur district arises from a knowledge of the ex-
ence of extravagance on the part of the magis-
ates, or what is supposed to be extravagance,
is it because the ratepayers do not see the
counts?—It is on account of the extravagance
ich they suppose the magistrates practice.
he observation is not unfrequent that we have
objection to gentlemen managing the expen-
ture of the county if they were men of busi-
ss, but we believe that they are not men of
siness, and not competent, particularly in the
ay of buildings.

1946. Should you be satisfied if you had the
wer of electing magistrates on to the finance
mmittee, to represent your interests?—I think
t in the Godstone Union.

1947. What would you be satisfied with?—I
ink that what is suggested in Mr. Wyld's Bill
ould in great part satisfy us, but the observa-
on is made at our board that that is not giving
e ratepayers sufficient advantage, or not equal
vantage, because of the influence which a
agistrate would naturally exercise, having
itherto been in the habit of expending those
ms of money, and the nature of his position
ould deter some of the elected members of the
nance board from exercising a free action.

1948. Would you not be satisfied with one
alf magistrates, and one half ratepayers?—For
y own part I would; I am mentioning an ob-
ervation which is frequently made, the guardians
elieving that the magistrates would have an
ndue influence.

1949. Did you hear the evidence of the last
itness?—I could not hear all of it.

1950. Should you have any objection to the
oard of guardians electing a magistrate to re-
resent them if they thought fit?—I should
ave this objection, that a magistrate is scarcely
ver acquainted with the financial state of the union. In the Godstone Union we have a financial committee, and we think that those are the men who are best acquainted with the finances.

1951. Supposing that in other unions the magistrates do take a very active part, and look very closely into the affairs of the union, you would not object to the board of guardians electing them to the financial board, if they thought proper to do so?—Only so far that they would be influenced by their friendly relations and connections with each other. They would certainly be influenced by those with whom they were daily associating, and they would feel some hesitation in opposing them.

1952. Then you would recommend the exclusion of a magistrate from the financial board, even if the board of guardians thought him a proper person?—I think in our district it would be more satisfactory to the ratepayers if he was excluded.

1953. Have you ever had a magistrate as chairman of your board of guardians?—We have since 1851. From 1835 to 1851 the late Mr. Levison Gower was chairman, and he was not a magistrate, but since 1851 we have had a magistrate as our chairman.

1954. How came a magistrate to be elected your chairman?—From being a very able man, and from his influence. It rather helps to keep order from an influential person being in the chair.

1955. Does he take an active part in your proceedings?—He does not take much of an active part as regards the financial portion; he rather takes the chair and keeps order, and hears the reports that are read, and gives orders accordingly. He does not go into the minutiæ like the elective guardians.

1956. Do you know the constitution of any other boards of guardians adjoining to yours?—Most of the other boards of guardians, I believe, have a greater number of *ex officio* guardians attending than we have.

1957. What number of *ex officio* members of the board have you?—We have rarely more than one in attendance.

1958. How many are really members?—Nine, I think.

1959. How many are attendants?—Sometimes one only attends, but we have not had more than two for years.

1960. Could you furnish this Committee with a statement of the causes in detail of the increases of expenditure from the year 1830 down to the present time?—No, I could not do that. I am only enabled to show what has actually taken place within our own union, and I thought that the Godstone Union was a fair index of the whole county, because no improvements much have taken place, and it actually shows an increase where much building has not taken place.

1961. That increase must arise from some cause, and I want to know what the cause of the increase in the Godstone Union has been?—I presume that the increase is no greater than in some other unions; but I cannot speak specially as to that, I merely state the fact that it has increased.

1962. Therefore there is a strong feeling that the ratepayers should have a voice in the expenditure?—There is. The ratepayers complain to the guardians, and say, "How is this you call upon us for so much money? The guardians reply, "look to the published statement, and you will see where much of it goes."

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1963. You stated, did you not, that you had seen the county expenditure from time to time?—Yes; but scarcely since the late Mr. John Smallprice was treasurer. He used to send it to us.

1964. When you did see it, was it given in much detail?—No, not in much detail.

1965. But was it given under general heads?—Yes, under general heads.

1966. You think that you have not an opportunity of knowing in what way the county finances were administered?—Not so as to be able to form a correct opinion upon them, and it has produced this impression that great sums of money were paid for building purposes to surveyors, architects, and others which were thought unnecessary.

1967. Do you know anything of the salaries of the public officers in your county?—I do not at present.

1968. Can you state to the Committee how much in the pound the county rates have been in the Godstone Union for the last five years, and also what the total amount has been in each year?—(*The Witness handed in a Return, vide Appendix.*) The total amount for the last four years is as follows:

	£	s.	d.
1865 - - - - -	1,360	2	9
1866 - - - - -	1,467	11	7
1867 - - - - -	1,575	0	4
1868 - - - - -	1,622	1	2

1969. Admiral *Duncombe.*] You have shown the Committee that the rates have been for some years constantly increasing in the county of Surrey; would not one element in that increase be for the union for which you are vice-chairman that new property has come into rating, or ought to have come into rating, but has not been rated?—No; I made the observation at first that the Godstone Union is one in which scarcely any new property has come into rating. I may almost say none, except in one parish, and there the county have not raised the assessment. I take that to show that what increase does take place is an actual increase without an increase in the property.

1970. Is it not obvious that an increase must take place in a larger ratio if you, as vice-chairman of the board, or your assessment committee, of which probably you are a member, do not take care to rate the new property in the union or in the county?—We assess all new property within the union.

1971. Why have you not done so in this matter?—We have done so; but the county authorities have not made their rating upon that assessment.

1972. The county rate is not based upon the proceedings of the Assessment Committee?—No.

1973. You also stated that the county rate was so oppressive that it has been the cause of dissatisfactions on the part of the ratepayers, and also that the magistrates were not men of business; doubtless if a financial board is formed, you would be a proper person to be a member of that financial board; but do you come here as a man of business, not even knowing what the county rate in your county is, where you are a ratepayer, a guardian, and also vice president, as I understand, of the board of guardians?—I am not able to give the amount of rate in the £.

1974. Surely the county rate in the pound
as well known throughout the county as eve
guide post upon the highways?—No, I thi
not.

1975. You think it is so totally indifferent
you as a ratepayer what the rate in the pound
that you never thought it a part of your busin
to make yourself acquainted with it, but j
to satisfy yourself that the rates are very oppr
sive, and that some alteration is necessary in t
management of the expenditure?—I am dissat
fied with seeing, year after year, that we are call
upon for greater payments, which are complain
of as being burdensome to the ratepayers.

1976. Mr. *Wyld.*] There is a gross sum d
manded of the union by the county treasur
towards the county rate?—Yes; that is so.

1977. Without inquiring what it is in t
pound, you know that from year to year the
has been an increase in the sum demanded
you?—I do know so; it is stated on eve
order what it is in the pound, but when I sign
cheque for any amount I take a note of it as
much as the county rate. I have not tak
notice of it, or it has not been impressed up
my mind what it is stated to be in the pound.

1978. Do you farm your own land?—Yes.

1979. Have you farmed under lease?—No,
is my own land.

1980. Is it the custom in your neighbourho
to let farms on leases?—Yes it is; not the un
versal one, and I can scarcely say the prevailin
custom; on the average, perhaps there are
many with as without.

1981. You say that the rates have increase
fivefold; do you know whether there has bee
any diminution or increase in the rent of farm
in consequence of this increase of rating?—Th
increase of rents has been general on land for th
last, perhaps, seven or eight years.

1982. It has been stated that the landlord pay
the larger proportion of this rate; do you kno
any instance where the rates have been increase
where the landlord has deducted the increase
rate from the rent paid him by his tenant?—N
I do not.

1983. Do you think that the landlord does pa
the rates, or does the tenant pay the rates?—
think it is this: if a new tenant comes into
place, or a person about to take a farm, h
finds out as near as he can what he is liabl
to; and then he would take an account of th
heavy county rates that there have been fo
the 10 years back, and he would say, I canno
give you so much rent; the rates are heavy, an
in such an instance as that the landlord certainl
does pay either the whole, or a part of them.

1984. Is it your opinion that the landlord doe
pay the county rate?—To some extent.

1985. Do you know what proportion of i
would fall upon the tenant?—I think, generall
speaking, the greater portions fall upon th
tenant, because his changes are not so freque
that those arrangements can be made.

1986. Is the increase in the county rate i
your district the cause of a wish for change, an
for an inclination on the part of the ratepaye
for a share in the management of the count
finances?—It is so.

1987. Do you know anything of the feeling
the county of Surrey outside your district?—S
far as the southern part is concerned I belie
they are in favour of a change.

1988. What change do they require?—The
requi

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equire to place the expenditure of the county ate under persons who they think have a general knowledge of the world and of the expenditure of the county.

1989. Do you think that any economy could be effected by a county finance board chosen partly by the ratepayers?—I do; I think there would be great economy; probably not the first year, but in the following year there would be.

1990. Would there be any difficulty in the county of Surrey in finding ratepayers who would devote their time and attention to the county financial board?—I think they would be able to find one or more persons in every board of guardians.

1991. Would you confine your choice of representatives on the county financial board to the board of guardians?—I think I should, because I believe that the board of guardians are generally chosen out of the largest ratepayers, and those who pay most attention to business.

1992. I believe that in the county of Surrey, in some parts of it, there has been a large increase in the value of property?—There has been in some parts.

1993. And an increase also in the basis of the county valuation?—Yes; I presume so.

1994. Have the rates increased in the same proportion in other unions in the county of Surrey that they have in the union of Godstone?—I presume much more so, because the increase in the value of property has been greater in other districts of Surrey than it has in the Godstone Union.

1995. Does the feeling to have representatives on the county finance boards in the county of Surrey arise from any distrust of the magistrates, or is it merely from a wish to be represented at those boads?—From both causes, I think; they believe that, by introducing with the magistrates men of business, they would be able to reduce the expenditure greatly.

1996. As far as you know, there is a universal feeling in the county of Surrey in favour of the establishment of county financial boards?—It is very prevailing; I will not say universal, but it is a very prevailing feeling.

1997. Have you seen much of the machinery of the Bill which has been before Parliament?—I have seen Mr. Wyld's Bill.

1998. Does that at all meet the requirements of the ratepayers in Surrey?—I think it does in general; some of the ratepayers have observed that the ratepayers would not be fairly represented on the boards, because they say as the numbers are equal, the influence of the magistrates would be greater than that of the representatives of the ratepayers.

1999. Do you think that the ratepayers of the county of Surrey would be satisfied to have a board composed of one-half of magistrates, and one-half of members elected by the ratepayers?—I think they would generally, because I believe this, that after a very short time, the magistrates who form part of that board, would see that the other members were right in their calculations, and in the data which they present, and they would come round to the conclusions of the elected members.

2000. Mr. *Kendall.*] Your impression, as far as your judgment goes is, that your ratepayers are better men of business than the magistrates, and that they would convert the magistrates to your view?—I am of that opinion; I have seen that to be so at many public meetings of turnpike trusts, and so forth, where I have been.

2001. Why should you fancy, first of all, that the magistrates would have more influence than the elected ratepayers, because, as I understand, you agree with the plan of having one elected ratepayer as against one magistrate, so that if you have 40 members, you would have 20 and 20; if you had number against number, and there were better men of business amongst the representatives of the ratepayers, why should you fancy that they would be overborn by the magistrates?—From the higher position in which the magistrates stand they would have some influence over the other elected members.

2002. You mean that they would be shy first of all?—Yes; but that I believe would wear off in a very short time.

2003. As far as that goes, you do not know much about the rates more than this, that you see an increase year after year, and therefore you come to the conclusion that it must be from bad management?—True.

2004. Do you think it would be possible if you were to meet upon equal terms, that you would be able to check improper expenses, unless you were also to meet on equal terms upon the committees, as far as the asylum committee goes, the gaol committee, and the other committees; you must be a part of those bodies also, must you not?—I think so; and I think Mr. Wyld's Bill comprehends that, except as far as ordering goes; I think that magistrates retain the power of ordering, and the joint board are to have the power of executing.

2005. Do you think that the machinery is workable as it is, or would you curtail it a little?—It is rather intricate, but the principle I like.

2006. At the board of guardians, has there been a general expression of feeling of this kind as well as in the Chamber of Agriculture in Surrey, upon this subject?—There has, since we have had a magistrate for a chairman, and occasionally before, when the chairman was absent, we have had several resolutions to petition Parliament to take the expenditure of the county money entirely out of the magistrates' hands, and the magistrate has refused to put the question from the chair.

2007. You would not wish to take it out of the magistrates' hands entirely, but merely to have a voice as ratepayers?—That is all except as to finance.

2008. You want a fair influence in the expenditure?—Yes, that is it.

2009. You have no specific charge against the magistrates on the score of extravagance at all, have you?—Yes, as far as this may go; I say that they have expended 67,000 *l.* in erecting a house for pauper lunatics, whereas a new union house, which is for the same class of persons, except that they are not lunatics, has cost 10,000 *l.*, so that you see there is six-fold the amount of expenditure.

2010. What number of lunatics does the asylum hold?—In 1841 it was constructed to hold 250; it is now greatly enlarged, and the expenditure has greatly increased.

2011. Have you gone through the statistics of other lunatic asylums in various counties in England, and have you compared the number and size of the different buildings, and have you found that you are more extravagant in your

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county on the average, than is the case in any other county?—I have not, but as buildings for the same class of persons as for paupers, it appears a most extravagant expenditure.

2012. Have you ever been on the visiting committee of a lunatic asylum?—I have not.

2013. You do not know what the requirements of those poor creatures are?—Not precisely; I only see the report.

2014. I understand that you take a building for one class of people and say, that is done for such a price, and here is another building for another class of people which costs just six times as much, but you do not know the requirements of the two classes of people, and I think, therefore, you will agree with me that that is not a fair way of taking the average?—To some extent; we are quite aware that a lunatic will require more attendance than a pauper, but nothing like to the extent of sixfold.

2015. You are aware of course that they cannot build a county lunatic asylum without submitting the plan to the Commissioners in London?—I am aware of that.

2016. Are you aware that, generally speaking, with regard to the police, the prisons and the lunatic asylums, a very large part is taken out of the magistrates' hands entirely, under the Act of Parliament?—Yes, I know many of them are; but I believe at the same time that if the magistrates represent it strongly to the Secretary of State, or whoever the official may be, their feeling upon the matter, the Secretary of State, or whatever other Minister it might be submitted to, would commonly listen to them. I think that the magistrates are to blame that they do not strongly represent matters to the Secretary of State as they ought to do.

2017. Did you ever make inquiries whether that had ever been done, and done unsuccessfully or not?—I never heard of it being done.

2018. Mr. *Heneage.*] Would you be satisfied with a financial board by which all accounts should be looked into, and which all fresh expenditure should be referred to, and that they should be elected in the way that you have said, one magistrate for every representative of the ratepayers, would you be satisfied with a financial board constituted like that, and to leave the committees for the superintendence of the gaol and the lunatic asylum in the hands of the magistrates, as is the case now?—In that case I presume they would have no control; they would be merely in the position of auditors.

2019. I mean that all expenditure should be referred to that committee, and that they should report on it?—I do not know whether or not the question implies that they are to have any control as to the actual expenditure.

2020. Without having the eventual control; but they would report to the quarter sessions the same as the present finance committees do?—I should not be satisfied with that.

2021. Then you would wish the report of the financial board to be final, and the magistrates not to have any power over it after they have once come to a decision?—I think it would be very desirable to have some arbitration to decide between the opinions of the magistrates at quarter sessions, and the financial board when they differ.

2022. You seem to be of opinion that the magistrates and the ratepayers' representatives should always be in conflict?—I think not generally.

2023. Do not you think that it would be rather a work of time, that each would side with the other, and as a rule they would act harmoniously together?—I think that the majority of those present would generally be found on the side of the ratepaying members.

2024. You said something just now about the rates being paid by the occupier; supposing farms were let at their full value, the rates to be paid by the landlord, would the occupier of the land then have any reason for asking for direct representation on a financial board?—If they paid the whole of the rates, certainly not.

2025. My question is this, supposing farms were let at their full value, with the rates paid by the landlord, would the occupiers of those farms, the tenants, have any right then to ask for representation on the financial board?—Except upon the general principle that the payment of taxation and representation should go together.

2026. But in that case the landlord would be the ratepayer?—But the tenant pays him first.

2027. But the land in the first instance belongs to the landlord?—Yes, but if the landlord pays all the rates, the tenant pays him a greater rent, so that it is only changing the shape.

2028. Is it not exactly the reverse, that if the landlord himself farms the land, and not by proxy by a tenant, he would pay the rates?—He would.

2029. If he lets his land, and lets the tenant off a certain portion of what he gains by it, in order to meet the rates, does he not still pay the rates?—He does, to a certain extent; for the first letting he would, but you would not provide for a future increase in the rates; you would not alter your rent, year by year, as those rates increased or diminished.

2030. As a rule do tenants, in looking out for farms in your county, take much notice of what the rates on those farms are?—They do, if they are about to take a lease; they generally go and examine the rate-book of the parish, and make notes of it.

2031. I am talking of yearly tenants?—No, they do not, because they can change year by year.

2032. They do not take much notice of the rates when they take their farms?—Not in the same degree as when they take a lease.

2033. Therefore they do not think that they are very important items?—No, they do not think so, as far as this; they see what they take, and they have a chance of changing at the end of the year; that is to say, they see what the items are, but they do not examine into the matter as if they were about taking a lease; it is a burden which they can shift at the expiration of a year.

2034. Mr. *Read.*] All the owners of land in your county are not magistrates, I suppose?—No.

2035. Some landowners occupy their own land, do they not?—Some owners do, and a considerable number.

2036. You are an instance of it?—Yes, I am.

2037. If the rate was paid by the landlord in those cases, neither the landlord nor the tenant would be represented at the quarter sessions?—If he was not a magistrate, he would not be represented at the quarter sessions.

2038. Nor his tenant either?—No, nor his tenant.

2039. If there is a slight increase in any rate, do not you think that the tenant pays it, and the landlord generally knows nothing about it?—If it is only a slight increase. I believe the tenant pays it until there is a change of the bargain with the landlord, or a fresh hiring.

2040. And if there is a slight saving, the tenant keeps it in his pocket?—Just so.

2041. Your county rates are gathered from your union in one large sum, are they not?—They are.

2042. And, therefore, as the assessment to the county rate, and the assessment to your poor rates are different, you really do not know what it is in the pound on your assessment?—I do not, because there is only one parish in our union which has been increasing in the value of the property, and the county rate has not increased there.

2043. In your union, which is the highest; the assessment to the county or the assessment to your union?—I think it varies; in some parishes the assessment would be higher to the county, and in others higher to the union.

2044. Have you increased the assessment to the poor rates lately?—As soon as the Assessment Act came in force our assessments were generally increased to the rateable value, according to the definition of the Act. The assessment committee put on that sum as the rateable value which they believe a farm would let for after the deductions in the way of allowance from the gross value.

2045. Why do not the county adopt your assessment?—From carelessness, I believe, and inattention to what the assessment was; nothing else.

2046. Have you any highway board in your county?—We have.

2047. Are you a member of it?—I am. I am vice-chairman of a highway board.

2048. Do the *ex officio* members of that board attend?—Only one. Mr. Granville Gower was chosen chairman of the board last year, and he is a magistrate.

2049. He is not the chairman of your union, is he?—Yes, he is this year.

2050. With that exception no *ex officio* members attend either the union board or the highway board?—With very rare exceptions. Mr. Charles Masters, who has just been appointed a magistrate, has attended two or three times within the last month or two.

2051. Have the poor rates increased in the same proportion as the county rates since the year 1838?—They have increased, but not anything like in the same proportion.

2052. When your county buys land, does it pay for it at once out of the county rate, or does it borrow money for it?—It borrows money.

2053. And the same with buildings?—Yes, they borrowed 90,000 *l.*, and 47,000 *l.* for building a lunatic asylum.

2054. That, of course, is fairer for a tenant who farms from year to year than if, as in some cases which we had in evidence, the county pays for the land in that one year?—It is much fairer.

2055. Are you not aware that a great part of the county expenditure, which is supposed to be managed by the magistrates, is fixed by the Act of Parliament?—I am not aware of that, because I believe that it is not so special a case but what the magistrates can vary it.

2056. Are you not aware that there is a great pressure put upon the magistrates by the Home Office, and also by the Lunacy Commissioners, for increased expenditure?—I believe that there is some pressure.

2057. Do you think that the members of a financial board, who were elected by the ratepayers, would have a better chance of resisting that pressure than the magistrates have?—I do.

2058. If county financial boards were established, would you like that the quarter sessions should have the power of vetoing the decision of that financial committee?—No, I think not.

2059. At the quarter sessions the magistrates amongst other things, approve of the county rate, they receive the report of the visiting magistrates of the gaols, the report of the visitors of the lunatic asylum, and the report of the police committee, and they have also placed before them something like this, a letter from the Home Office as to more effectually securing the prisons against attacks from without; you are aware that for the efficient discharge of all those duties, there must be a certain amount of expenditure; would you like that expense to depend upon the acts of the quarter sessions or upon the county financial board?—Upon the county financial board.

2060. Can you tell me how you would manage; would you take the power away from the quarter sessions, and vest it in the financial board?—I would vest it with the financial board as far as this; that if the quarter sessions and the financial board disagree, some parties should be appointed as an umpire, the Board of Trade or whoever might be thought fit, who should decide which was the proper course to follow; that of the financial committee or that of the quarter sessions.

2061. Have your highway rates increased since you have had a highway board?—Not greatly; the formation of the railroad would account for some portion of that.

2062. Was there any opposition to the highway board?—Yes, very much opposition.

2063. Are you aware that the imposition of those highway boards rests with the magistrates?—It does.

2064. And that they can at any time they like dissolve them upon the memorial of the ratepayers?—Yes, and the majority of the Godstone highway board memorialised the magistrates to do so, but they refused,

2065. Do the ratepayers think that the magistrates having the power over those boards of forming them and dissolving them is a right and constitutional state of things?—It is not well pleasing to many.

2066. Lord *Henley.*] With regard to the difference to which you have alluded, between the basis as made by the county assessment committee and the basis as made by the union committee, would it have been possible for the assessment committee of the quarter sessions to have adopted the basis of the union assessment committee?—Quite so.

2067. Would not they have found that the deductions throughout the county, as between union and union, varied considerably?—In Surrey I think they do not vary greatly.

2068. But, however, even in Surrey, would not the assessment committee of the quarter sessions

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sions have been obliged as a preliminary step to adopt a uniform set of deductions; would not that have been necessarily their first step?—I should have supposed they might have taken the assessment as made by the union assessment committee as preferable to any that they could make themselves.

2069. But when the deductions vary as they do in most counties, I do not know how it may be in Surrey, but in very many counties, the deductions made between the gross estimate column and the rateable value varied very considerably; and would it have been possible under those circumstances to produce from the gross estimated rental column, even supposing they adopted it, a rateable value column similar to those produced by the union assessment committees?—It would not exactly, if they took it from the gross estimated value.

2070. They must first set the deductions on a uniform basis, must they not; they must do that in justice?—No, not in justice, because the condition of property varies so much in different parts of the county; where the buildings are generally wooden structures, and covered with thatch, the repairs are very great compared with what they are were the buildings are constructed of stone or brick; therefore the value must vary with every portion of the locality.

2071. But was it not the case that the county assessment committee did not go into the valuation tenement by tenement, but parish by parish?—They required returns to be made from the overseers, and I suppose they adopt them without much examination.

2072. Has there been such an assessment lately made in the county of Surrey?—I cannot say how many years ago; it was 7 or 8 years, I should think.

2073. Did it give satisfaction to the ratepayers?—It did not.

2074. Do you think that the magistrates would be a suitable body for making such a valuation?—I think they would not.

2075. From want of knowledge, or what cause?—From want of knowledge.

2076. You doubt whether they have sufficient local knowledge, and knowledge of the value of property, to be the proper tribunal for making the assessment for the county?—I do.

2077. Was there any feeling displayed on the part of the ratepayers to that effect?—There was in the way of complaints.

2078. How did they show that feeling; was it in the way of appeals or objections, or in what way?—There was no appeal made against the county rates; it is too expensive a process.

2079. What kind of body would you suggest for the county assessment committee?—I should feel satisfied with one composed of one-half magistrates and one-half ratepayers; and those ratepayers may be guardians or not.

2080. Mr. *Dent.*] I suppose you would like to put into the elected boards the power of the adoption or suspension of the highway boards?—No, I do not think I would do that; I think that it is more a judicial matter; I would leave that to the magistrates altogether.

2081. Would you not put in the power of this elected body anything that caused or was liable to cause rating in the county?—With regard to the management of those things, where there is an expenditure of money, I think it ought to be under the direction of a mixed board.

2082. It should be, in fact, a board of control upon every matter where there was an expenditure of county money?—Yes, as far as the expenditure of that money goes; but I would leave it to the magistrates to decide whether an enlargement of the jail was necessary or not; but as to carrying out that enlargement, I should say that a mixed board of ratepayers and magistrates ought to decide or control.

2083. Would you leave it to the magistrates alone to decide whether an extension of the police force was necessary?—Yes, I would.

2084. And you would merely put into the hands of the elected board the salaries and the rates of pay?—Yes, that is just what I would do.

2085. And in the same way with the officers of the gaol where there were a certain number of officers required; you would not leave it for this board to say whether there were too many or too few officers employed?—No, I would leave it them to say what they ought to be paid.

2086. It would be leaving a very small control over the finance of the county if the magistrates might appoint any number of police or any number of gaol officers, or order any enlargement of the gaol that they pleased, if this board was merely to check the manner in which these things were carried out?—I cannot think that the magistrates would act with such rashness as to appoint any greater number than was necessary, provided that the finance board represented to them that it was more than necessary; they would not wantonly appoint supernumeraries.

2087. *Chairman.*] You stated that you could not tell what the county rate was, owing to its being levied upon you in one sum in the union rate, but how is the county rate levied upon you?—It is so much in the pound. There comes an order from the court of quarter sessions to us to pay so much money, being so much in the pound.

2088. In that statement do they not specify how much of that is county rate, and how much police rate?—How much is county rate, and how much is police rate, is specified.

2089. Have you not the means of ascertaining for yourself, as a ratepayer, how much of your money goes towards the county rate, and how much goes towards the maintenance of the poor and other things in your union?—Certainly.

2090. I want to know why you cannot tell us what the rate in the pound is for the county rate?—I cannot tell what the rate is in the pound, because the magistrates do not adopt the assessment that we make. They send us an order in this manner: You are required to pay such and such a sum of money, being so much in the pound.

2091. According to their statement, what is your rate in the pound?—The rates are generally once a quarter, and they are from about 1 *d.* to 1½ *d.* each time.

2092. Never exceeding 1½ *d.*?—I think it is very rarely that they exceed 1½ *d.* in the pound, but I am answering a question which I am hardly prepared to do.

2093. Who is the chairman of your quarter sessions?—They change, I think, at each place where the sessions are held, at Newington, Kingston, Guildford and, Reigate. I believe they have a different chairman at each quarter sessions.

2094. What district are you in?—The sessions are

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e held once a quarter, so that we are in all: if e rate is made at Guildford, it is made under e chairman; if it is made at Newington, it is der another; if it is made at Reigate, it is der another. We are in the district of Rei- te.

2095. Are the financial arrangements of your unty transacted at Guildford, or at the different arter sessions?—At all of them.

2096. Is there a finance committee at each of them?—I believe there is, because Mr. Granville Gower was attempting to justify the expenditure at the last meeting of the board by saying that he did all he could to check it.

2097. Who is the chairman of the general quarter sessions at Guildford?—I think it is Mr. Nicholson, I am not quite sure.

2098. Who is the chairman of the quarter sessions at Reigate?—Sir William Jolliff is sometimes, I think.

The Rev. C. T. Whitley, called in; and Examined.

Rev. *C. T. Whitley.*

2099. *Chairman.*] Have you filled any public fice except that of a clergyman?—I am a magis- ate of the county of Northumberland, and I am member of the gaol, the police, and the lunatic ylum committees, and of course I am an *ex ficio* guardian in the Morpeth Union.

2100. Have you paid considerable attention to unty rating?—I have had to do so.

2101. Can you state what the amount of the tes of the county of Northumberland is?—I am t prepared with figures.

2102. What do you believe to be the feeling the ratepayers generally in the county of orthumberland?—I believe that the ratepayers ould be better satisfied if there was a financial ard of elected members added to the county ministration.

2103. What leads you to that conclusion?—ecause some of the most active agriculturists, hen they have attended quarter sessions on the and jury have made presentments to that effect. hey have complained of various matters con- ected with the administration of the county ances.

2104. Can you state whether the rates in orthumberland have, on the average, risen or herwise during the last five or 10 years?—They ve risen considerably.

2105. Can you state the reason?—The reason , that we have had to build a lunatic asylum, d for that purpose we have had to borrow large ms of money for which we are now paying in- rest, and which we are paying off by instal- ents.

2106. Have you any other large works?—No her large works.

2107. How came you to build your lunatic ylum; was it by a requisition from the Secre- ry of State?—By a requisition from the Se- etary of State.

2108. Did that requisition state to you the umber of lunatics which you should have to pro- ide for?—I am not aware; that was before I as on the board. The number, however, has rgely increased, and there are now upwards of 00 within the lunatic asylum, and we have been ompelled within the last year to build an addi- onal wing owing to the increasing number of natics.

2109. Was that also by a requisition of the ecretary of State or was it at the option of the agistrates?—It was at the option of the magis- rates; they had the power of declining to do it they wished to do so.

2110. Did they borrow money for that last xpenditure?—Yes.

2111. Do you recollect what the amount was? -I cannot say.

2112. Can you state what is the rate in the ound in the county of Northumberland?—I am sorry to say that I cannot at this moment. I know that it is very moderate.

2113. It is given in the return as 4½*d.*, is that correct?—That, I believe, is exactly correct.

2114. Have there been any public meetings held in the county upon the subject of county rates?—None; and there has been no complaint of any kind on the subject, but I adhere to the opinion that the county would be better satisfied with a financial board.

2115. Have any complaints been made to the magistrates with regard to the salaries?—None.

2116. What was the ground of the requisition of the ratepayers to the magistrates; was it simply on principle?—It was chiefly on principle; it was not a requisition, it was a presentment made to the quarter sessions by the foreman of the grand jury to the effect that the expenditure was increased and increasing, and required to be diminished.

2117. It did not specify any particular items of which they complained?—Not that I am aware of.

2118. How are the finances of the county of Northumberland managed; are you divided into committees?—No, we are not; there is a finance committee, but the general court of quarter sessions determines all items of expenditure except very small ones. The visitors of the jail are allowed to expend 5 *l.* without reference to the quarter sessions, but not more.

2119. How are the different subjects of expenditure brought before the quarter sessions?—Usually by the officers, the bridge surveyor, or the chief constable, or by the committees; the committee for the asylum, the committee for the jail, or the police committee.

2120. And are sums voted on those representations so made at quarter sessions?—Yes, they are voted in open court at quarter sessions; of course there is sometimes discussion.

2121. Is much attention given to the subject?—Much attention is given to it; the public is always present and reports are frequently made.

2122. Do you know the number of magistrates that there are in your county?—About 120.

2123. What proportion of those magistrates should you say attend quarter sessions on the average; is it a large number?—Not above 20 at the monthly adjournments, and seldom more than 40 at the quarter sessions.

2124. What power has your finance committee?—It is a mere committee of audit; it has no power to authorise any expenditure.

2125. Is there any power to check any expenditure?—None, except an auditing power and refusing to present the account; the account must be signed by the chairman in open court, and the checking power of the finance committee

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would be limited to objecting to present the account for his signature.

2126. Could you give any opinion to this Committee as to what constitution of the financial board would satisfy the ratepayers of Northumberland?—I believe that this constitution would be satisfactory to all parties, and would enable public business to be carried on with advantage, if a certain number of persons were elected to join a corresponding number of magistrates at the financial board, provided always that simultaneously there was some arrangement made by Parliament, by which the Government should be able to interfere in the management of the lunatic asylums, the gaols and other public institutions in the way in which it interfered with the police, that is to say, by the Government paying a certain portion of the expenditure, and having at the same time the right of official inspection, that is to say, the right to refuse the proportion paid by the Government, unless the institution itself was in an efficient state, as the police is.

2127. You would give the Government even a larger control than they have at the present moment?—Decidedly, on condition that they repaid a portion of the expense. Perhaps I may be allowed to say, that I would do the same with respect to the Poor Law administration, I would allow the Government to regulate the conduct of the workhouses, and the relief to the sick poor, provided the Government paid a certain proportion of the expenditure, under those heads.

2128. Admiral *Duncombe.*] The formation of a financial board, such as you have sketched out, you think would be satisfactory generally to the ratepayers?—I do think so.

2129. As an active magistrate of the county of Northumberland, do you see any objection to the formation of such a board?—I do not, provided always that there was some control; my reason being this, that I think that such a board might become too economical, and might starve the institutions, as it certainly would starve the police, if it were not for the fear of losing the Government contribution.

2130. And that fear would always to some extent act as a check upon extreme economy, because they would lose the allowance from the Government department?—Precisely.

2131. At the present time in Northumberland there is no dissatisfaction, is there, with the manner in which the magistrates perform their duties all being done in open court, any money expended being passed in open court, and discussed if necessary in open court; but it is merely the principle of having a financial board formed, so that the ratepayers might have more insight into the expenditure?—I believe so; but at the same time I have heard the increase of the county rate officially complained of.

2132. Probably you are aware that the increase of the county rate has been caused by a variety of circumstances over which the magistrates really have no control?—Yes, over which they really have no control.

2133. Mr. *Wyld.*] Your opinion as to county financial boards of a certain order in the county of Northumberland does not depend entirely upon the contribution by the Government, does it?—I fear it does; I doubt the expediency of the magistrates parting with the control over such institutions as the gaol and the asylum unless there is some such counter machinery, so to speak, by which the Government should contribute and simultaneously acquire control by means of the contribution only.

2134. The present inspection by the Government Inspector does not come up to your notion as to the control which the Government should have over those institutions?—Certainly not. As one of the visiting justices of the asylum, I joined more than once in refusing, on motives of economy, to comply with the request of the Government Inspector, and my fear is that economy might be made such an object of by the elected ratepayers, that we should completely prevent the justices from complying with the sometimes reasonable requests of the Government officials.

2135. Would they not, if they did not comply, lose the Government dotation?—But there is no such dotation, except with regard to the police; I ask for a simultaneous dotation from the Government.

2136. There is a feeling, is there not, amongst educated and well informed people in Northumberland in favour of the establishment of county financial boards?—I believe there is.

2137. And they look upon that as a means of obtaining a more economical expenditure of the funds?—I belive they do.

2138. Mr. *Kavanagh.*] You stated, did you not, that the board of magistrates at present have only an audit power?—No, I mean the finance committee of the county. The court of quarter sessions, as a board of magistrates, has complete power.

2139. If a financial board were established in the way proposed, would you give them the power of the quarter sessions or of the finance committee only?—I would give them the power of refusing supplies.

2140. How do you mean by the refusing supplies?—Of refusing to allow a rate greater than $\frac{1}{2}$ *d.*, for instance, when the proposed expenditure might require a rate of $\frac{3}{4}$ *d.*

2141. You would put in their hands the settlement of what the amount of the rate was to be?—Precisely so.

2142. Mr. *Kendall.*] As I understand you, you, as a magistrate, are anxious that the ratepayers should have a voice in the management of the money that is expended, but at the same time you qualify that in a very strong manner?—Yes.

2143. If you take away the control of the magistrates at present, and add to their power the controlling power of the elected ratepayers, you would then as a body not give them the same power as the magistrates have as a body now, but you would have the controlling power of the government?—Certainly.

2144. The fact is, that without a controlling power you do not think that it would work well?—I do not; as a guardian I see enough to convince me that the economy would be too great.

2145. You would want the Government every now and then to have the controlling power, and you wish the Government to pay a portion, so that the Government should have the means of stepping in and making this board be liberal?—Precisely so; I venture to make that suggestion because the system already exists in the county police throughout England, and works well; in our county it works very well.

2146. You think that but for that element the board of guardians would be hard upon police?—I do.

2147. Mr. *Read.*] Do you attend before this Committee as a deputed member from any society at

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all?—No; Mr. Wyld asked me if I had any jection to be examined, seeing that I took an terest in the matter.

2148. You are an *ex-officio* guardian; do you tend the board?—Yes, I do.

2149. Whom do you find generally more liberal expending the funds, the *ex-officio* guardians the elected guardians?—I think, as regards the laries of our establishments and so forth, the -*officio* guardians; but as regards the allowances the poor themselves, I think the Northumbrian rmers are the most liberal set of men that I er met with. I very often find myself voting the hard side, that the allowance should be ly 2 *s.* a week, and the farmers outvote me, and y that it shall be 2 *s.* 6 *d.*

2150. You are a member of a highway board, e you not?—I am chairman of my own high- y board, but that is a mere local board of my n shire; mine is the large parish of Bedling- ashire.

2151. Is a shire a hundred?—Yes, it is a ndred.

2152. Is the Highway Act adopted in your inty?—It was adopted in the county, but there s so much objection to it on the part of the epayers that the highway board for the division of Morpeth was dissolved. The county Northumberland was divided into four dis- cts, and two boards only remain now; two re dissolved by the justices at the request of e ratepayers.

2153. How long had they tried the experiment fore they were dissolved?—About 12 months.

2154. Did they increase the rates?—They l.

2155. Have you found any difficulty as an *ex icio* guardian, and *ex officio* member of your ghway board, in associating with the elected ardians or way wardens?—I am myself in a shire ich was cut off from the division of the county, d I never attended the highway board, but I end the board of guardians, and I never found y difficulty whatever in acting with the rmers.

2156. Is your chairman at the board of guardians an elected, or an *ex officio* guardian?—Elected.

2157. Have your farmers generally long leases in Northumberland?—Generally.

2158. Then any increase of rate during the lease, would of course fall upon the tenant?—Yes.

2159. At your quarter sessions, do you say that every item of expenditure is publicly discussed?—Yes, it is.

2160. How long does it take you to go through your accounts?—When I say every item of expenditure, I mean every item of fresh expenditure, everything to be granted; the finance committee goes through the accounts, and merely points out anything that may be objectionable in any new expenditure, or any fresh levy.

2161. Do the public attend in any number?—They do.

2162. Have you a place reserved for them?—We have a place reserved for the reporters and the general public below the bar, and there are tables for the reporters.

2163. With regard to this financial board, would you have the elected members present at quarter sessions, or take any part in the general business of quarter sessions?—Only as part of the general public; they would take no part in the business. You are aware that even in the local board the public has a right to be present, but that they take no part in the proceedings. The ratepayers have a right to be present.

2164. But you would ground your control over the parsimony of the board by having Government inspection?—I would extend the same system which now prevails with respect to the police, to the gaols, asylums, and workhouses.

2165. Where, in fact, the Government pay hardly anything at present?—Nothing.

2166. Mr. *Dent.*] Then you would not make this elected board an executive board?—No.

2167. They would be rather like the House of Commons; they could refuse to grant the money?—Yes.

2168. Therefore, they would have no control whatever over the discipline and management of the gaol, the police, and the asylum?—No.

Friday, 19*th June* 1868.

MEMBERS PRESENT:

Lord Edward Cavendish.
Mr. Dent.
Admiral Duncombe.
Sir William Gallwey.
Mr. Heneage.
Lord Henley.
Mr. Henniker-Major.
Mr. Kavanagh.
Mr. Kendall.
Mr. Neville-Grenville.
Colonel Wilson Patten.
Mr. Read.
Mr. Wyld.

COLONEL WILSON PATTEN, IN THE CHAIR.

Sir WILLIAM MILES, Bart., called in; and Examined.

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2169. *Chairman.*] YOU are Chairman of Quarter Sessions of the County of Somerset?—I am one of the chairmen; if I should live over the next session I shall have been one of the chairmen of quarter sessions for 33 years.

2170. During that time your attention has naturally been called to the administration of the county finance?—It has, as completely as I could give my time to it.

2171. Evidence has been given before this Committee with regard to the finances of the county of Somerset, and by the desire of the Committee I forwarded you a copy of that evidence, in order that you might be able to make such replies to it as you might think proper; have you read that evidence?—I have read the evidence, and I have given it my attention. In the statements which Mr. Eagles has made before the Committee, which are not quite correct (I do not mean to say that he has attempted to mislead the Committee), but he has not had the information before him necessary to give correct information; nor has he given that attention, evidently, to the proceedings of the court which he led the Committee to understand he had done.

2172. Could you point out to the Committee the principal points in which you consider that he has been in error?—I shall be most happy so to do; I have no doubt that you have had placed in your hands what we call our agenda paper, which is published about a week before every quarter sessions, stating what is to be done under the heads of the different county expenditure; beginning I think, with bridges, as far as my recollection goes.

2173. Is nothing transacted at the meeting of quarter sessions, excepting what is put down in that agenda paper?—Nothing whatever, until all the business is over which is put down in that paper. The paper is called over by myself, and then I always inquire whether any gentleman has any new matter to bring forward before the court.

2174. By the standing orders of the county of Somerset can you vote away any money or take any material step without giving notice of it through the agenda paper?—Not a farthing, except it is upon the report of a committee; we may act if we please upon the report of the committee, but if any opposition to a large sum is made upon the report of the committee, it can be adjourned by the court until the next session.

2175. Is that agenda paper circulated amongst all the magistrates?—Yes, about a week before each quarter sessions to all the acting magistrates.

2176. Is there any rule with regard to the time previous to the sessions at which it must be circulated?—No, but every gentleman who ever attends the sessions has it in his hands at least a week before the quarter sessions.

2177. Will you be kind enough to point out now any of what you call errors in Mr. Eagles' evidence?—I will first of all ask the Right honourable Member to refer to Question No. 499, which Mr. Eagles was not able to answer; I will put in the answer for him.

2178. We requested him not to answer that question, in order that he might give us an accurate statement of what it was?—Now, I will put in that accurate statement; at Question 498 he is asked, "Can you tell us what the amount of property rated to the county rates is in the county of Somerset"? and he says 2,000,000 *l.*, but the actual sum is 2,204,407 *l.*; that is the basis; I may state that we brought the new county rate into operation last year which increased the value from 1,947,885 *l.*, being an increase upon the old county rate of 256,552 *l.*; the old county rate was taken in the year 1847.

2179. As regards Question No. 499, Mr. Eagles has sent into the Committee the amount of the rates raised in any one year, and his reply is, that the rates in 1867, amounted to 34,515 *l.* 8 *s.* 7½ *d.*; is that correct?—You had before you some time ago our clerk of the peace, who is a very accurate man, and he expected to have been here today, and he has drawn up an analysis of everything himself which he has sent me, and which I have received this morning, and as to the county rate, possibly I cannot do better than read what he states to me: "The average of the ordinary county rate for 22 years, and also for the last 11 years, the latter time being named for the purpose of adding it to the special police rate, has averaged only 1½ *d.* in the pound in the year.

2180. That does not include the police rate, does it?—Of course, as you are aware, the police rate cannot be included in the county rate, and I shall have a few words to say about that hereafter. I think it is a very unfortunate thing for

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r the counties that it cannot; some counties I elieve do it, but they cannot do it by law.

2181. The County Treasurer's Account, which as been laid before Parliament, states that the ate levied was 4¼ *d.* in the pound for the whole unty, and for all the rates, do you think that that correct?—I should think that there is as nearly s possible right. I have no doubt if it appears n the county treasurer's account, it is right for ll descriptions of rates; this is the county rate lone that I am speaking of.

2182. It is 4¼ *d.* in the pound, I believe, that our county treasurer has sent in?—My own elief is, that whatever our county treasurer sent n is right. I have not seen the last treasurer's ccount; it has appeared as it usually does about 8 months after it ought to do.

2183. Mr. Eagles says that the police rate is ost costly; comparing that with 15 other ounties, do you find that the police rate in your ounty exceeds those of the other 15 counties?— am happy to say that we have as chief constable, I believe, one of the best men in his place n England. He is not only a remarkably good uperintendent of police, but having first of all een educated in the Irish constabulary, he was fterwards taken, from his knowledge of the nguage, to buy mules for the Crimea, and he as afterwards employed in the commissariat in he Crimea. Of course, not being upon the ommissariat himself, he was thrown out of mploy at the close of the war, and we happened o be the very last county which voluntarily dopted the original Constabulary Act; he, amidst n immense number of candidates, appeared efore the whole of the magistracy, one person nly knowing him by name; and I am happy to ay that he was elected, and since his election e have had, in everything that he has done, to tate our great satisfaction at his proceedings. He is remarkably good at pen and ink, and this norning he sent me a return which I should ecommend the Committee to have added to their Appendix, for it is excessively well drawn up, howing the number of each rank and class of he police forces in the several counties of England, together with the rates of pay for each, the ross annual pay, and the average cost per man. The return is based on the information contained n the Reports of the Government Inspectors of Constabulary, presented to Parliament on the th of March 1868, so that it comes down to the ery last time that you can have it.

2184. From that do you find that Mr. Eagles' tatement is correct?—No. This is a return rom all the counties in England; and these are he headings: Counties, populations, area in cres, population to one constable, area to one onstable; strength of force; ranks; yearly pay o the chief constable; superintendents and the nspectors; weekly pay in shillings to serjeants and constables; gross annual pay and average annual cost per man; so that for the 43 counties of England, you have it now made out, if you will please to accept it.—(*The same was delivered in*, vide *Appendix.*)

2185. What do you deduce from that account? —That we are one of the lightest rated counties n England, as I was perfectly well aware myself before; Cornwall is below us, and Devon is below us; you may take Devon as a parallel, but you cannot take Cornwall; and you cannot for this reason, that there the county pays for horses, for forage, and for carts; we do not do that; ours is one payment; the payment being put in "payment and allowances," but we have nothing else. I will take the three counties of Cornwall, Devon, and Somerset, because they are contiguous, and I find in Cornwall the average annual cost per man is 55 *l.* 4 *s.* 4 *d.*; but then I find added to that, horses, forage, stabling, &c. provided by the county. I then go to Devon, and find it is 53 *l.* 16 *s.* 11 *d.* per man; and I then go to Somerset, and I find it is 58 *l.* 19 *s.* 5 *d.* per man.

2186. Will you just state what it is in Gloucester?—£. 58. 7 *s.* 9 *d.* per man, and there the superintendents, serjeants, and constables are all supplied with lodgings free of expense; we supply no lodgings free of expense; our chief constable pays, I think it is 40 *l.* a-year, as far as my recollection carries me, for his house; and all the superintendents who live at the stations, and the constables attached to the stations, all pay rent for their houses. The whole of the rents amount to 345 *l.* 13 *s.* 4 *d.* a year.

2187. From what source did your chief constable take this return?—From the inspectors of constabulary reports; it is taken from an official document now before the House of Commons, presented to Parliament 9th March 1868.

2188. Have you any remark to make upon Question 506?—Yes, I have.

2189. In that question you observe that Mr. Eagles says that your chief constable "has 500 *l.* a year, and 200 *l.* a year allowance, and a house that has cost the county, one way or another, in a most extraordinary way, if it is looked into, no less than 5,000 *l.*;" will you ex plainhow long that has been?—Having determined that our head quarters should be at Glastonbury, which is nearly the centre of the county of Somerset, Glastonbury being a small town, it was necessary, of course, that we should have our buildings and barrack accommodation there, and having determined that question, that we ourselves should find a residence for the chief constable, our wish was, that the chief constable's residence should be immediately attached to the barrack. Glastonbury is placed in a low situation, very near the Marshes, and I am sorry to say that we did not discover, until after we had purchased the site, that the drainage of Glastonbury was most defective. We purchased the site, and the chief constable resided in the house for some time, and we built the barracks there. I think, as far as my recollection goes, the whole site is about an acre and three quarters, and we gave for the dwelling-house, garden, and land, 2,000 *l.* The chief constable is a married man with a family, and after he had resided there for some time he discovered that the situation did not agree with his family, as they were continually having low fever. We ordered our surveyor to examine the premises, and we found that immediately under his house there seemed to be the residuum of the drainage of Glastonbury; I went to see it myself, and it actually came up within about 12 inches of the boards of his dining room; it was totally impracticable, of course, that we could ask a gentleman, or any one, to live in such a house. What, then, was to be done? We still determined that it was necessary that he should live at Glastonbury, and the consequence was that we entered into a contract for the purchase of a house in as healthy a situation as there can be at Glastonbury, on a hill, and within two minutes' walk of the barrack accommodation,

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accommodation, which is not subject to the same nuisance as the chief constable's house was. We paid for the new residence 1,340 *l.*, and the repairs and improvement were 300 *l.*, so that the whole cost us 3,640 *l.*, the original purchase and the second purchase. You will see that there is a great deal made of a small sum of money, about 200 *l.*, or some such amount, for which the materials of the old chief constable's house were sold, and that certainly was kept back from the treasurer's account for a considerable time, but at last, of course, it was discovered, because the whole thing stood upon the orders of the court; and I may say, although I have had many attempts made to bring in this and that as a charge upon the county rate, that there is no doubt that what you can charge the county rates for is laid down by Act of Parliament as well as what you can charge the police rates for; and I never have budged one atom out of Acts of Parliament. Several alterations were necessary to be made in the new house; for instance, it required some levelling and it required some pavement; we found there a green-house, and of course we did not want a green-house for the chief constable, therefore we sold the green-house for what it would fetch. I am telling you exactly what occurred. I rather think the gentleman himself wished to take something off; he said it was his wish to take something off and he would take the green-house away. However, there is the chief constable's residence with a properly sloping garden, and a remarkably nice residence it is; but of this sum of money which Mr. Eagles makes so much to do about, certainly, I recollect perfectly well laughing about 1 *l.* 16 *s.* or 1 *l.* 17 *s.* alone coming back to us; but the remainder was laid out in the levelling and paving of the constable's house. So that, actually, that which we had purchased originally for the constable's residence and which we sold for so very small a price, as every one knows building materials do sell for a small price, was actually used for the chief constable's new house.

2190. At what sum do you estimate the total expense of the new house, taking all those things into the calculation?—I must tell you that immediately it was determined that we should bring the voluntary Act into operation in Somerset, the court I thought very properly decided that as we intended to bring it into operation it should be brought into operation efficiently; of course we had no police buildings, and therefore we came to the court the session after it was determined to adopt the Act, and we had adopted it and asked for a loan of 30,000 *l.*; that was immediately acceded to, I believe, without a dissenting voice, and this was employed for building the different station-houses throughout the county, and at the same time the chief constable's house; so that out of that original 30,000 *l.* (I have given you the actual cost before) came the chief constable's house; it was looked upon as a station, and the chief constable's house came out of that; we had hoped at that time to include Bridgwater, but Bridgwater like, I see unfortunately by the constabulary accounts, a good number of other boroughs fancied that it could manage its police matters much better than the county, and did not join us, and the consequence is that every inspector who has gone down there has never allowed anything out of the Government funds in aid of the Bridgwater constabulary; but I had calculated for t Bridgwater station as one of the stations, and have now remaining in Stuckey's Bank, Bric water, not having a station, 1,000 *l.* on th account; but under the 30,000 *l.* was includ originally that 2,000 *l.* which I have mention for the original house at Glastonbury. I se have here a note that the present residence the chief constable has since been purchased 1,340 *l.* The premises are rated for 47 *l.* a yea and the chief constable pays 40 *l.* a year to t county for rent.

2191. That 1,340 *l.* is in addition to t 2,000 *l.* that was originally taken for the form house?—Yes.

2192. Will you direct your attention to Que tion 516, where Mr. Eagles says: "There is great complaint in my county that we are ov superintended, and that that over superinte dence, as I can speak from my own knowledg as compared with the adjoining county of Gloucester, makes a difference to our county alone about 1,100 *l.* a year in salaries"?—The pap which I have put in will show exactly what it (*see* Appendix); but the Committee is very we aware that our present salaries are not ou original salaries, because I have now in my han the Secretary of State's paper of rules and regulations for the pay and for the future government of the constabulary, and the chief constable's return showing the relative amounts o pay. That happened in 1866. I need not rea the Secretary of State's letter; but, however, my attention was called to it, of course, as the chairman of quarter sessions; and, having received the Secretary of State's letter about a fortnight before the meeting of quarter sessions, as I usually do when anything of that kind occurs to me, if I require a report I immediately apply to the quarter from which the report is necessary, and I applied immediately to our chief constable to beg him to take the Secretary of State's letter into consideration, and to report thereupon to the next quarter sessions. This he did, and he put in a paper of the present rate of pay, the rate per day and the rate per annum; and he at the same time gave me a return, showing what the average was of the rate of pay recommended by the Government, which average he recommended us to adopt.

2193. This answer, you observe, does not refer to the pay so much, but to their being, as he says, over-superintended; and he adds, in the next answer, that they have 17 superintendents; can you state whether that is or is not above the number in Gloucestershire?—I have stated the principle upon which we went in forming our constabulary. The Committee are perfectly aware that in the upper grade of officers there are three grades; there are the superintendents, the second superintendents, and the inspectors. We at once determined upon the advice of our chief constable to appoint no inspectors, so that where you see other counties have not only superintendents and other different classes of superintendents, but likewise inspectors, we have no inspectors. They are all superintendents and second superintendents. We likewise determined to appoint constables of only two classes, first and second. A good deal has been said about Devon. The Secretary of State had sent an order in 1866, directed to the different quarter sessions in England and Wales, in which he stated that a report had been made to him that the services of the rural constabulary were not sufficiently paid;

l; and he laid it down as a rule that the
est class constable should receive at least
. 6*d*. per week. In a most extraordinary
, how it occurred I do not know, Devonshire,
east when last I heard of it, still by the Se-
ary of State's permission appoints 60 con-
les at 16*s*. a week. I cannot say how it is;
e has been a complaint in the county about
police having one pair of trousers more than
Devonshire police; but the Secretary of
te lays down that two pairs shall be supplied
us a year, and consequently, I suppose, the
ortunate men in Devonshire are one minus.

193*. That does not quite apply to this ques-
, because this is only a question as to the
nber of superintendents as compared with
er counties, and Mr. Eagles says that you have
uperintendent to every 16 constables?—I
ught that I had answered that before, by
ing that we have no inspectors.

194. We find by the return that you have
ded in that in the county of Gloucester there
14 superintendents and inspectors, and in
county of Somerset there are 17; and Mr.
gles says that you have 286 constables and 17
erintendents?—Yes, first and second superin-
dents; then I take it that the second super-
ndent is very much the same as an inspector;
haps he may be a little higher paid than in
other county; we only class them in that way;
do not choose to have an inspector. There
a document presented to the court by a
mittee called the expenditure committee
which my honourable friend Mr. Sanford was
irman for a long time, and when he was
ged to leave for London, I took up the two
stions of police and prisons, and I have here,
ink, a perfect account of the way in which
police is conducted; and I am able to com-
e, by looking at this document, the number of
chief officers, namely, our chief constable,
deputies, our first-class superintendents, and
second-class superintendents, with Gloucester,
h Devon, and with Wilts; I find that in
von there is one chief constable, one deputy
ef constable, six first-class superintendents,
en second-class superintendents, no third-class
erintendent, no fourth-class superintendent,
no inspectors; there are 24 serjeants, there
10 first-class constables; there are 90 second-
s constables; 130 third-class constables, and
fourth-class constables, making 334. I find
Gloucester there is 1 chief constable, 1 deputy
ef constable, 1 first-class superintendent,
second-class superintendents, 6 third-class
erintendents, 3 inspectors, 41 serjeants, 50
t-class constables, 97 second-class constables,
third-class constables, and no fourth-class
stables, making 283. I find in Wilts that
re is one chief constable, no deputy chief
stable, 2 first-class superintendents, 2 second-
s superintendents, 3 third-class superinten-
ts, 3 fourth-class superintendents, 13 inspec-
, 13 first-class serjeants, 13 second-class ser-
nts, 50 first-class constables, 80 second-class
stables, 10 third-class constables, and 11 fourth-
s constables, making 201. Whilst in Somerset
have 1 chief constable, 1 deputy, 4 first-class
erintendents, 11 second-class superintendents,
serjeants, 96 first-class constables, and 149
ond-class constables, total 286; including the
eants, however, we have 41 officers. I find
however, perfectly impossible to make the
tive expense of each of the counties enume-
.91.

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rated comprehensible without putting in this Paper (marked Constabulary, Somerset).—*Vide* Appendix.

2195. I think, perhaps, that may be enough, as far as we have gone. Mr. Eagles makes this complaint against the county management, so that every one of the superintendents in your county is permitted the services of a police constable; and, consequently, you abstract from the utility of the force 17 men at least, because he believes that the chief constable has more than one, is that so?—The chief constable writes to me in answer to this question propounded by myself. "Are all your superintendents permitted the exclusive service of one constable," and he says, "No superintendent has the exclusive service of a constable." I wish to show the Committee from head quarters what are the duties of those men who do groom the superintendent's horses. "No superintendent has the exclusive service of a constable. There is a constable told off at the head quarters of each police district, whose duties consist in grooming the superintendent's horse, taking charge of the barracks and prisoners, and in some places performing town duty. To show you the necessity of the appointment of these orderlies, I think it only right to tell you that, during the past quarter they had in their charge no less than 507 prisoners; in fact, your stations are small bridewell's, and there must be some responsible persons to look after the prisoners, and whether the orderlies groom the superintendent's horses or not, their services would equally be required. I may also mention that so troublesome and irksome are the duties of this post, that I find it exceedingly difficult to get any man to undertake it; and there are at present three stations, viz., Dunster, Ilminster, and Wincanton, where the orderlies have applied to be removed, or have resigned." Then there was some hint thrown out as to the people who were employed for himself, and I put this question to the chief constable. "Have you more than one constable told off for your own service?" And he says, "I have no constable for my exclusive use. There is only one constable told off for this large establishment, the same as any other station in the county, and you will please recollect that it not only includes myself, but also my deputy." I may say that the average number of constables in the head quarters is 10.

2196. Now, will you turn your attention to Question 520, where Mr. Eagles says, "There is a little dissatisfaction with the mode in which our police accounts are given to the public," and he makes some other observations?—This, which I hold in my hand, is the Board's report, three of which are sent to every union in the county, and are distributed to the magistrates, and all the county papers; it is the whole report, and it gives everything you can have, if any of the honourable Members will look at it (*handing in the same.*)

2197. Does this account give the whole items in detail, or is it under general heads?—Under general heads; every item you can have.

2198. Does it give the salaries?—Yes, each salary; the salary of the superintendents, and of the police constables of different kinds.

2199. Has it always been the practice in the county to publish those accounts?—No; if you look at our last accounts you will see that we determine, owing to the report of the expenditure committee, to establish a publication quarterly; and

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and this is the last quarter's account which I have now in my hand, and it is in more detail.

2200. Mr. Eagles says that until he took the subject up, the police pay and emoluments, and so-on, were put in one lump sum; that has been rectified you say, by publishing it more in detail?—Yes; I will give to the Committee now our last quarterly account of the police (*handing in the same*). I cannot conceive that it can be done in any other form.

2201. Now, will you turn to Question 526, which is with reference to the salaries of the governors of the county gaols; has Mr. Eagles given the salaries correctly?—The officers' salaries and fees amount, at Taunton, to 2,191 *l.* 19 *s.* 9 *d.* We have two prisons, one at Taunton, and the other at Shepton Mallet; and at Shepton Mallet they amount to 1,646 *l.* 19 *s.*

2202. What is the salary of the governor of Taunton Gaol?—As my right honourable friend is well aware, formerly there were prisons and houses of correction in the county; Taunton was the sheriff's prison, and the other was simply a house of correction; and the salary of the governor of the gaol at Taunton is now 422 *l.*

2203. What is the salary of the governor of Shepton Mallet Gaol?—£. 296.

2204. Now will you turn to Question 532, where Mr. Eagles says that you have 417 cells for an average, amounting to something under 200 prisoners?—This was the subject of a great deal of discussion, and it has been very frequently before the court. In my early days we had three gaols, we had Ilchester prison, we had Taunton House of Correction, and we had Shepton Mallet House of Correction. We did away, many years ago, with Ilchester Gaol. We then made Taunton the gaol, and Shepton Mallet the sole house of correction. I dare say those gentlemen who have presided over criminal law at quarter sessions know what an extraordinary few prisoners they have to try, comparatively, to what the number was in former days. I recollect perfectly well in the Epiphany session of 1837, sitting down to a calendar of between 220 and 230 prisoners. I should say now that 35 or 40 would be almost the outside of prisoners ever tried at quarter sessions. The consequence is that we took care in building, or rather in the additions to the Taunton prison, to have rather an excess of accommodation. We have a great excess of accommodation. Very likely Mr. Eagles is right, because it is all before the public. We have accommodation at Taunton for 275, and at Shepton Mallet for 245, making 520; that is the accommodation, with certain alterations. Of course debtors' wards are not wanted now, scarcely at all, but we could certainly easily accommodate that number of prisoners if we pleased. But upon going minutely before this expenditure committee into the number that would be required, I think that we came to the conclusion that, for the whole of Somerset, accommodation would only be required for about 280. It therefore became necessary, as we had plenty of room, with alterations in either gaol for the accommodation of the whole of our prisoners, that we should set about to see what could be done in reducing our expenditure. There could be no doubt that the only material reduction that could be made, and that would not have amounted to a farthing rate in the year, would be by adopting one prison. That question has been, I should think, four or five times before the quarter sessions, and invariably with th
same result, namely, that a very large majorit
of the magistrates were always for holding on th
two prisons. My friend Mr. Sanford an
myself (I have told you he was the chairma
of this expenditure committee), upon lookin
over the thing, thought that we were bound,
far as in us lay, to endeavour to carry out th
proposition for one prison. Mr. Sanford brough
it forward, and I had the pleasure of secondin
him, but there were only seven hands held
for one prison, and there were between 50 an
60 at least for going on with two prisons.
that it is perfectly impossible, with the prese
views which the magistrates take, that we shou
adopt one prison.

2205. Have you ever received any remo
strance from the ratepayers in the county again
the continuance of two prisons?—Any remo
strances which might have taken place originate
I think, from Mr. Eagles. Mr. Eagles is
good writer; I am very fond of reading h
letters; they are mostly addressed to me, and
never answer them publicly; but he writes cle
erly; he knows how to make the most of
complaint, and he certainly did endeavour t
organise a resistance against, as he thought, th
ill-doings of the magistracy in the different union
and the consequence was, that to this expend
ture committee memorials were sent from differen
unions in the county, and I find they were sen
"from Clutton, Frome, Wincanton, Shepto
Mallet, and Wells, in the eastern division of th
county; and from Bridgwater, Yeovil, Langpor
Taunton, Wellington, and Williton, in the west
ern division. Six unions have not memorialise
your committee. These memorials pray for econ
omy, and several of them consider that on
prison would be sufficient for the county, th
memorialists believing that the abolition of th
other would lead to a considerable reductio
of expense; the majority of the memorials from
the east are in favour of retaining Shepton Mal
let, whilst those from the west incline to Taun
ton as the proper situation for the one prison.
I think there was some mention made of th
county bridges, and I think that Mr. Eagles wa
in error there. There are 166 county bridges
and, for the year 1866, which is the last year tha
I can speak of at present, the cost amounted t
870 *l.* 5 *s.*, or a trifle over 5 *l.* per annum, on a
average, for the fabric, and 200 yards of road t
each bridge. I do not know that any other count
does it cheaper. I may as well state exactly how
that is done. We have expenditors of the bridges
who are three magistrates, generally speaking
living in the vicinity of the bridges, and who undertake the office, and they have the power, withou
coming to the quarter sessions, of expending 10 *l*
a quarter if they think necessary. They have
likewise the power of calling in our county surveyor if they want to have any particular scientific knowledge as to the state of the bridges
but if they want more than 10 *l.* it must be don
by notice given at one sessions and taken int
consideration the next. In short, we have gon
upon the principle, in our county, of allowing n
money transaction, except what comes from
committee, to be done without notice. Notic
must be given at one sessions, and the subje
taken into consideration the next.

2206. Then you deny what Mr. Eagles say
that the money for bridges is noted; but nobod
looks after it at all, as it appears to him?—Th

expendit

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:penditors look after it; they can only expend *l.* a quarter, except in cases of necessity, be- use sometimes a flood will carry away a bridge, ıd then, of course, notice is not necessary; but every other case, except in cases of necessity, ›tice of expenditure above 10 *l.* on each bridge necessary.

2207. Could you state to the Committee hat regulations you have with regard to your ›unty treasurer; do you allow him to hold ba- nces in his hand to any amount?—I am sorry say that the balances (and there I agree en- rely with Mr. Eagles) have been very large deed in our treasurer's hands; I think double hat they ought to be.

2208. Is he correct in stating that they amount 10,000 *l.*—Yes, they have been so for a long me; but there is great difficulty about it, and e difficulty which I hinted at in the first part my examination is this, that you cannot draw om the county rate for the police; it must be one from the constabulary rate. In George e Second's time no idea of a constabulary, I ppose, existed; but it seems to me that we have ere 30 items, according to my recollection of at Act, which we can charge upon the county te, but we cannot charge the constabulary; the nsequence is, that we cannot legally take from ıe fund and give it to the other, and that is the eat reason why our balances are so great, and should earnestly recommend Parliament, more ırticularly my right honourable friend, that rectly the things become statutable to the unty (because it is a county rate, and it is or- red to be raised in the way of a county rate), should be charged upon the county rate, which ill always prevent those large balances accruing.

2209. Do you take security from your trea- rers?—Yes; as far as my recollection goes, it 8,000 *l.*; he has been treasurer a great number years.

2210. In answer to Question No. 544, Mr. agles says: "There has been for many years a ıstom, and I am sorry to say that it is still con- nued, of asking at our sessions for, I think, a enny rate, whether it is wanted or not, as a eneral thing; and the consequence of that is, at we have at every quarter a balance of up- ards of 10,000 *l.*;" what have you to say with gard to that?—There he mixes up both things gether; he does not take the county rate as ıe thing, and the police rate as another, which must be by law; and then he tells you that it always 4½ *d.* It is not so; in the county busi- ess the rate is very often half a farthing; 1½ *d.* ill cover our whole county rate; but then the ajority of the whole rate is upon the police. 'e have 2¼ *d.* police rate, I think, so that the hole rates collected upon the average of the st 11 years, both for county and police, has een 3¾ *d.*

2211. What is the salary of your treasurer?— e has, as treasurer of the county, for keeping l the accounts relative to the county rates, and sbursing all monies, 300 *l.* a year; and, as ›lice treasurer, 150 *l.*; making 450 *l.*

2212. Mr. Eagles says, in answer to Question o. 546, "The salary of the treasurer of the ›unty of Somerset is more than double that of ıy other treasurer in England, with the excep- on of the four exceptional counties of Lancaster, iddlesex, the West Riding of Yorkshire, and urrey;" is that so?—He was appointed up- ards of 20 years ago; and there is no doubt at all, both in the case of the clerk of the peace and the treasurer, immediately the present holders of the offices die away, we shall not give the same sum of money that we do to our present treasurer, or our present clerk of the peace. But, with regard to our present clerk of the peace, really honourable gentlemen must recollect that it is all done under the law; when you alter the clerk of the peace from fees to salaries, the law says how you shall do it; that you shall take the receipt of his fees for a certain number of years, and you shall give him his salary accordingly; and, I think, we have gained by the salary; at the time the present clerk of the peace was appointed about 452 *l.*, but that would not be the case now, there is such an alteration of the law.

2213. With regard to the treasurer, has he been very long in his office?—He was appointed at the Michaelmas session of 1849.

2214. In what profession is he?—He is a lawyer. His father, whom he succeeded, was very well known in the county, and he was a lawyer and a banker; and I suppose that was the reason why he was appointed.

2215. Is the present treasurer a banker?—No, he is not. Perhaps I may be allowed to mention the treasurer's duties: they are, to receive all moneys payable to the county from county rates, and other sums paid in aid, and to pay all sums ordered by the court of quarter session, and those which by law are ordered by magistrates in petty sessions, and the costs of prosecutions at assizes and sessions. He has to attend the finance committee the day before the commencement of each quarter session, and they are held twice at Taunton and twice at Wells, and the assizes at Taunton twice and at Wells once, each place being many miles distant from his residence; viz., Taunton 36 miles, and Wells 17 miles. He has to keep all the accounts in a given form, prescribed by Government and the court; to make up and present his accounts quarterly, and to have them printed and sent to each acting magistrate, and to the different poor-law unions. His accounts are divided into four classes; viz., general account, private lunatic asylum account, Somerset county lunatic asylum account, and police account; in addition to which, in the last two years, there has been a cattle plague account. These accounts are very intricate and voluminous; and the treasurer's salary is what I have stated. The vouchers of all his accounts, when audited, are sent to the clerk of the peace to be filed with the records.

2216. Now will you go to Question No. 563, where Mr. Eagles says that the printing is a matter of great complaint in Somersetshire, and that for the police and the general accounts, it comes to a considerable sum, over 800 *l.* a year?—That has been, and I may say is the great complaint. It does seem quite extraordinary in looking at our account for printing, why it should cost so much, but yet everything has been done that can be done relative to it. I will read what has been done: "Printing and advertising" (for you must take them both together). "These items have required much consideration, as we have found them considerably in excess of those in other counties; in this county amounting to 662 *l.*, whilst in Devon they are only 135 *l.*; in Norfolk, 264 *l.*; Northumberland, 263 *l.* More than one-half of the printing is for the register of

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of county voters. The calenders of the prisoners at the assizes and sessions are also very expensive. We have obtained through the assistance of the clerk of the peace, estimates from London, Bristol, and elsewhere, but without being able to diminish the amount; still we recommend that all the printing and advertising that can be so done, should be by public tender and contract. There may be some difficulty in accomplishing this as regards the register of voters, as it must be done under the personal supervision of the clerk of the peace, who is responsible for the accuracy of the lists, and but a short time is allowed between the revision of the barristers and the time of publication. The clerk of the peace will, however, endeavour to reduce the cost of printing the registers for the ensuing revision; and your committee recommend that the subject of printing the registers be re-considered." Since which, another committee I may say has been formed; however, this is from the general expenditure committee, who took immense pains with all the accounts of the county. We have reduced the expense in a small way. Formerly we used quarto, now we use octavo; and besides that, we have reduced the expense of paper; we use worse paper, and that has reduced the amount to a certain extent, but only to such an extent that it is scarcely worth mentioning. However, I can assure the honourable Committee, and I can assure Mr. Eagles himself, that it has for a long time been to the quarter sessions and to me, who take particular interest in the accounts of the county, a source of great uneasiness that we have not been able to get down our printing account.

2217. Will you state how your finance committee is appointed?—There are 12 gentlemen appointed on the finance committee in open court; in fact, everything must be done in open court. They are appointed at the Michaelmas sessions. Three of them go out annually, but they can be re-appointed. Usually speaking, it takes some four years to get thoroughly acquainted with the whole business of the finance of the county, and it is quite impossible, if they are more frequently appointed, that they can know what has occurred in previous years. They are appointed as I tell you, and they make their report on the first day of the sessions in open court. Their report is read, and very frequently a magistrate will say, "I wish you would read such and such a paragraph of the report." Such and such paragraph is read, it undergoes discussion, and then, if the magistrates think it necessary to give more consideration to the subject, they ask me to put the proposition, which, of course, is always done, that that paragraph shall stand over for consideration to the next sessions, which it always does. The accounts are all rendered in, and every single account is read distinctly out by the clerk of the peace in open court, even if it amounted to 2*s.* 6*d.*, or only 1*d.*, it would be read in open court.

2218. Have the public admittance to the court during the time this is going on?—It is done in open court. Of course the committees sit by themselves; nothing is done by them except upon a report, but that report is received in open court, and any magistrate whatever can take cognizance of that report, or any part of it.

2219. But have the public anything to say to it?—The public are all there if they please to be; it is an open court.

2220. Mr. *Read.*] Do the public attend?—No, very little indeed; but that is not our fault; there is a good gallery; it is one of our session courts.

2221. *Chairman.*] At Question 571 Mr. Eagles says, "I have attended for a very considerable time now, for three or four years, for that very purpose, being there from the beginning to the end, and I have never seen a Committee appointed." Do you think that is a correct statement?—All I can say is that he must have been asleep the whole time, because a great many committees are appointed, and they are always appointed in open court, and all the additions are made in open court.

2222. He says, "I have seen somebody get up in the court and say, 'Mr. So-and-so has left the country, or has gone abroad,' and then 'add Mr. So-and-so's name to the commitee'"?—Very well, then I put Mr. So-and-so's name to the court, and I say, "Is it your wish that So-and-so should be appointed instead of So-and-so resigned; as many as are of that opinion will hold up their hands." That is the way of doing it.

2223. How many magistrates have you in the county of Somerset?—We have 265 laymen and eight clerks, making together 273, who are all qualified to act except 12. Lord Portman succeeded Lord Bath as Lord Lieutenant, and in my early time there were a great many more clerical magistrates on the bench than there are now; but Lord Portman made a point of never appointing any clergyman if he could possibly avoid it. Lord Cork is our Lord Lieutenant, and he adopts the same principle. I have only known in Lord Cork's time one clerical magistrate appointed, which was last sessions. He was sworn in in the last sessions of all, as a clergyman resident in the county, but in no way acting in his vocation; he has no cure of souls at all.

2224. Can you state to the Committee what, in your opinion, is the proportion of the county rate in Somersetshire, over which the magistrate have immediate and direct control?—They hav control over every item of the county rate; the fact is that it was all laid down, as you are aware by the Act of Parliament as long ago as the tim of George II., and, singularly enough, thoug Act after Act has passed since, they have neve touched those items. There are 30 items, an they have never in any way touched them; bu they have always done it in this way. The rat for such a thing is to be raised in the form of th county rate, or according to the county rate.

2225. It has been given in evidence to th Committee that the gaols are not subject to th control of the magistrates, because they ar obliged to fix the salaries and appoint the officer under the Act of Parliament; do you concu with that?—We are certainly bound by Act o Parliament, and I always take care, and I a begged by the magistrates of Somerset to do s directly a new law comes out touching any of ou establishments, to ask them to bring it in actio immediately, and they always do so; and the consequence of that has been that in the case of Taunto gaol we were obliged by the last Prison Act with respect to hard labour and so on, to mak several alterations, which caused a great expenditure of money, and that unfortunately does no come as extraordinary expenses.

2226. But the object of my question was t ascertain whether you had ever turned yo attention to the consideration of the amount

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rate which is compulsorily laid upon the county of Somerset by Act of Parliament, and the amount of rate which is exclusively under the control of the magistrates?

2227. Have you any other remarks to make upon Mr. Eagles' evidence?—He did not know that the inspectors of weights and measures are 15 *l.* a piece, and very useful they have been, and very economical; Mr. Eagles says something about the coroners. As you are aware, the coroners are paid by salaries fixed upon certain data every five years. There is no other expense except the expense of witnesses and jurors, and post-mortem examinations of bodies, and that, of course, depends upon the number of inquests and the time those inquests last, varying, of course, in different amounts every year. Mr. Eagles thinks that more time is requisite for the audit of the finance accounts; I think so likewise; I think it is quite impossible that, with the mass of accounts that gentlemen have to go through in the quarter, they can act decisively upon any account. The real fact is that, generally speaking, unless there is something very extraordinary, attention is chiefly given to see whether the account delivered in tallies with the treasurer's account. One takes the Bill and looks at the amount, and the other sees that it is all right, and that the totals are all right. Of course, there are certain things which, having been called to the attention of the court, undergo much more scrutiny, but Mr. Sandford and myself are of opinion that we never shall be safe in getting things done economically until we have an auditor appointed. We have the case of the county of Gloucester before us; they have an audit, and I see from their accounts that it is done for 25 *l.* a year. I have it in consideration, after consulting some of the magistrates likewise, to put it in the power of the finance committee to have a longer time, if they please; because if, instead of taking our first quarter session day on the Tuesday, we were to take it on the Wednesday, they would have the Monday and Tuesday to look over the finance accounts, in which time, according to my notion, it could be done perfectly without over-taxing the energies of any one member of the committee, and the time from Wednesday to Saturday would be more than ample to go through all the other business of the county. Therefore, I think, even by that trifling change, which, of course, every other county could adopt when they meet early in the week, more time could be given to the finance committee for their operations. My own opinion is that everything is done in the county of Somerset with a view to economy, that we are no niggards, and that we are not afraid of showing our accounts, such as they are, against any county in England.

2228. Mr. *Kavanagh.*] If you will look at the answer to Question No. 655, Mr. Eagles says: "The treasurer's account is audited by the committee of finance, which meets at 12 o'clock on the Monday preceding the sessions, which I believe universally commence on Tuesday; but to show that this auditing of accounts is not what it ought to be, I would beg to state, for instance, that there was 10 years' arrears of police-rate due to our county stock from the borough of Glastonbury and the little city of Wells, that must have passed through 40 audits, and probably would never have been heard of had it not been poked up; and the city of Wells is now repaying it honourably by instalments, but the borough of Glastonbury snaps its fingers in our face, and we have lost our money." Is that correct?—It is not; Wells and Glastonbury are two separate jurisdictions, but they are both amalgamated with us for police purposes. It seems that the treasurer of the county, who was likewise the treasurer of the police, when the pay was increased of the different grades of constables, forgot to add this increased amount of pay to the quarterly account sent in to Wells and Glastonbury for the police. This was not for some time detected, but eventually it was, and they were told immediately that they must pay up their arrears, or if not we should proceed against them immediately. They are not rich corporations, and they begged for time. We said, Yes, we do not mind giving you time, only understand it must be paid up. Glastonbury has long since paid up, and Wells owes us now 35 *l.* 3 *s.* 11 *d.*

2229. But Mr. Eagles' object was to prove that the audit was not a perfect one, inasmuch as this had escaped the attention of the auditor for some years. Is that correct?—I have not the least doubt of it, because the record that the treasurer always put in was that a very small proportion having to be paid by Wells and Glastonbury, that small proportion had been paid, but it had not been paid, merely from what I state to you, from the increase of pay that had taken place in the different grades of officers; it had not been paid to our account.

2230. How was that discovered?—It was discovered, but how I cannot tell you. I never attend the finance committees. Mr. Sandford tells me that his impression is that it was in consequence of a report from the committee of finance calling the attention of the court to it.

2231. Admiral *Duncombe.*] In the last two lines, at Question 721, Mr. Eagles says, that those things are constantly cropping up in your county; do you know any other instances but those of Glastonbury and Wells?—I am not aware of any; but this I can say, that when they do crop up they are immediately rectified.

2232. Mr. *Wyld.*] We have it in evidence before us that a considerable expenditure has taken place on the chief constable's house, and you stated, did you not, that at the outset 2,000 *l.* was paid for the house and the site of that station?—Yes, that was the first payment.

2233. But the house was found useless; the situation was bad; it was in a marsh and unhealthy, and it could not be used as a residence for the chief constable?—Totally impossible. I went to view it myself, and I saw that there was a quagmire of filth underneath, and there was not the power of drawing it off, the situation was so low.

2234. Then really the 2,000 *l.* was a loss to the county, was it not?—No, it was not; because we had an acre and three-quarters of site upon which we built our police barracks, and we got a freehold site of an acre and three-quarters and whatever the house was worth.

2235. I understand you to admit that including the 2,000 *l.*, and the 1,340 *l.* upon the new building, and the 300 *l.*, the total cost of the house and barracks was 3,640 *l.*?—For the sum I have mentioned we have a remarkably good chief constable's house with a garden; and we have likewise a very good barracks capable of containing 15 men, the average number being about 10.

2236. But without this mistake the county could

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could have obtained ample accommodation for about 2,000 *l.*, as I understand you?—Yes.

2237. What inspection took place before this property was purchased; by whom was the ground inspected?—We never do anything without sending our surveyor, first of all, to examine. He examined that situation, and he pronounced it healthy, and upon that we concluded our purchase, it being a very good purchase for the quantity of ground. The house was a very fair one indeed. We had very little to lay out upon the house to make it fit, if it had been a healthy place for the chief constable to reside in.

2238. Did any committee of magistrates inspect this spot beforehand?—Yes, I did myself; and I stated that I thought the situation very low, but I was assured that the drainage of Glastonbury would not affect it, and the surveyor having seen it, I could say no more.

2239. Then this unfortunate choice took place from want of proper inspection, and a proper report to the magistrates before the purchase?—We made use of all the inspection we had. We had a committee to determine upon the purchase; we had a surveyor to determine upon the healthiness, and then we voted the money. It was a mistake of the surveyor's; there is no doubt of it.

2240. Then, really there is some ground for the assertion that we have had from the witness that a considerable sum was expended in excess upon the station at Glastonbury?—I should say upon a rough guess, about between 500 *l.* and 800 *l.*; but it is only a guess of mine. If that mistake had not been made, we should have been better off by between 500 *l.* and 800 *l.*

2241. Then there is some ground for Mr. Eagles' statement that there was some money wasted or lost upon this affair at Glastonbury?—No doubt. It was really an unhealthy site, and we really could not ask a gentleman with a family to live there; and, therefore, it was that we were obliged either to build, or to hire a house for him.

2242. In the Assessment Act committee, and in the cattle plague committee, you had some tenant farmers associated with you, had you not?—Yes.

2243. If you had had a practical farmer, or some one in the neighbourhood to assist the magistrates, would he not have pointed out the unhealthy state of this site to you?—I think the Honourable Member for Somerset was one of the visiting committee; because he lives close to it, and most likely he was on it; he believed it to be be a very good site, I think.

2244. If you had had a practical man associated with you when that ground was inspected, do you not think that he would have informed you of the unhealthiness of the site, and saved the county the expenditure of that money which seems to have been thrown away to some extent?—It had been inhabited by gentlemen very often before; it was no new house. Of course if we had known the fact, we should not have purchased the site; but evidently the gentlemen who formed the committee to look at the house, knew nothing at all about it.

2245. Mr. Eagles stated that there are 17 superintendents, and that there is a police constable told off to each superintendent; what have you to say with respect to that?—I was in hopes that I had made that perfectly clear to the Committee. In all our police stations we have lock-ups, and the person who is told off to groom the horse of the superintendent attends to the prisoners that are in the lock-ups. I think as far as I recollect that there are about 570 prisoners a quarter in those lock-up houses. If the man in charge of the lock-up does not clean the superintendent's horse, still you must tell off a man for that very purpose; but in Somersetshire he cleans the horse and the accoutrements of the superintendent, in addition to looking after the prisoners in the station-houses.

2246. I suppose we may assume that about half the time of the constable is employed in attending upon the superintendent, and perhaps half upon the duties of the horse?—No, it cannot be anything at all like half his time.

2247. The witness who gave evidence here said that about 26 *l.* a year was the value of the services given to the superintendent, would that be correct?—All I can say is that in Somersetshire you can get a man at that price to look after the horse of the superintendent and to devote his whole time to it.

2248. Therefore 26 *l.* for looking after the horse of the superintendent is rather an extravagant expenditure?—It is ridiculous.

2249. Do you know what the annnal cost of each police constable is?—The police constables have two grades of pay, 21 *s.* and 19 *s.*; we have nothing under 19 *s.*

2250. And I presume that the servant of the superintendent would be of the inferior grade of police?—It all depends upon who is at the station. Very often constables from different stations are not fit for active service, and a man of that description would be kept at the house, and he would do duty at the same time; he would take care of the prisoners confined in the cells.

2251. Inasmuch as you have given us evidence in contravention of this statement, I am bound to ask you this question: the fact is, is it not, that a considerable proportion of the private constables' time is employed as the servants of the 17 superintendents?—My own belief is that they do nothing for the superintendents but groom and feed their horses.

2252. With regard to your prisons; I see that in your Report it is stated that one prison is quite enough for the county?—I think you will find that in the proviso it says that if we had to commence *de novo* there can be no doubt one prison would be sufficient for the county of Somerset, and it could be done much cheaper.

2253. You know the state of public opinion in the county of Somerset; supposing you take the public opinion of both divisions, would it be in favour of having one gaol only, instead of two gaols?—Yes; but unfortunately they would not agree upon which prison should be retained; each man is for his own division.

2254. But it would be a great saving to the county, and public opinion is in favour of it?—My friend, Mr. Sandford, and myself went as far as we possibly could into it, but from the curious way in which the accounts were kept in one prison we had the greatest difficulty. We sat day after day, and eventually we came to the conclusion that, by adopting one prison, we should save to the county, eventually but not immediately, about 2,000 *l.* When I say eventually but not immediately, it must be recollected, with regard to the gaolers and the turnkeys and so on, we could not dismiss men who have served us a long period without pensions, and until those pensions

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sions were worn out, of course the 2,000 *l.* ld not come to the county.

255. You state in your report the advisability, n economical sense as well as the practica- y, of doing away with one of the remaining ons, without entailing considerable hardship part of the community with a considerable itional expense to the ratepayers, has since period been frequently discussed at quarter ions, but the discussion has always resulted in determination of the court to maintain the ting prisons. Therefore, I understand that it he opinion of the magistrates to maintain two ons against the public opinion of the county? cannot say whether that is so or not. There a number of unions from the east and west have petitioned for it, and there are at the e time a certain number of unions that have tioned against it. Of course, if we did away the Taunton prison, then the Taunton union- would be excessively annoyed; and if we did y with the Shepton Mallet prison, then the pton Mallet unionists would be excessively oyed. Literally speaking, I must say the rt spoke entirely the sentiments of the county. friend, Mr. Sandford, and myself, thought it essary to bring the thing actually before them, ause we had made up our minds that such a rse would be a saving eventually, and I have loubt that such a course would eventually be ving.

256. Am I wrong in saying that the rate- ers expressed an opinion that they would be avour of only a single gaol for the county?— they did not. We are a divided county; one y held to Shepton Mallet, in which division r unions were, and the other party held to nton, in which the Taunton unions were.

257. I understand that your treasurer, in ition to his salary of 450 *l.* a year, has a nce of nearly 10,000 *l.* in his hands; do not think that the simple interest upon that (and Somersetshire banks, no doubt, would give in- est) would be a good payment for the county surer?—It is the balance just at that particular e, but immediately the quarter sessions are r, out goes the balance as rapidly as possible; sequently, upon the one account he may be to the next quarter sessions with 800 *l.* only is hands, but then the other account gets it again. The large balance results from his ing the two accounts perfectly separate, and making the county account balance the ex- ses of both the police account and the county ount.

2258. We may assume, may we not, that he , at the close of the year, nearly an average 10,000 *l.*?—Apparently he has, and no doubt has a great deal too much in his hands.

2259. Are you of opinion that really the nty expenditure is, to a very great extent, ler the control of the magistrates?—No doubt; nerely mention three instances in which it is .

2260. But, in your opinion, the great bulk of expenditure is under their control?—The lk of the expenditure of the police is, no ıbt.

2261. But exclusive of the police?—Exclusive the police there are the prisons; we have vernment inspectors, who force us to do cer- n things which we should not do ourselves, l so on; and, when you come to take the lice and the prisons out, you will not find very much left. We must keep the bridges in order and the lunatic asylums.

2262. But there are items of expenditure over which the magistrates do exercise some control?—Yes; my own belief is, that the Somersetshire magistrates do exercise at all times the most complete and efficient control; and I speak now from considerable experience.

2263. At the present moment it is the feeling of the magistrates, is it not, that there should be an audit of all your accounts?—No, unfortunately, I am afraid that it is not the feeling of the magistrates, at least it was not the feeling of the expenditure committee, because it was brought decidedly before their notice, and they rejected it.

2264. Are you of opinion that there ought to be?—I am decidedly of that opinion. I really think that if anything were done as to alteration in the law it should be made not permissive but compulsory; that in every county an auditor should be appointed. It is the case, as Honourable Members are aware, that in any other public business you always have an auditor.

2265. Then may I say, generally, that in your own mind there is an imperfection in the present system of carrying on county finance?—I think it might be altered so as to meet the requirement of the county better; but I must say that I am very happy in the bench that I preside over, and I find the magistrates always amenable to public opinion, and always doing the best they can to control the expenses of the county.

2266. But still, if I understand you rightly, on the days on which the finance committee meet there is not sufficient time for a minute examination of the accounts?—I think that in answer to the Right Honourable Chairman I stated what my idea was upon that subject, that there is not; and I see my way very clearly, as far as the county of Somerset is concerned, in giving them more time.

2267. Therefore, I may assume that the present examination is not quite so perfect as you wish to make it?—It is not so. There is not that scrutiny of each item of account which, according to my notion, there ought to be in every account before the court.

2268. As to the Wells and Glastonbury police, it is a fact, is it not, that those items were omitted from the account for some considerable period?—No doubt.

2269. Does not that show a further loose way of looking over your accounts?—I do not attribute that so much to the finance committee, because those things are brought before it as so much received from Glastonbury, and the receipt was the same last year when it was proper, but owing to something that was done by the court it is not proper the second year; and then their attention ought immediately to have been called to it by the treasurer. Somehow or other he overlooked it, and the magistrates overlooked it also, but eventually it oozed out, and immediately it came before the court an order was given to pay up.

2270. Then it is true that for some time those items were omitted?—No doubt.

2271. That shows an imperfection in the mode of auditing the accounts?—I have said as clearly as I can that I think that an auditor is essential, and I think that the finance committee ought to have longer time with the assistance of that auditor

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auditor for regularly looking over the county accounts.

2272. Mr. *Neville-Grenville.*] You were giving an account of a division which you had in the court of quarter sessions when you and your honourable friend, who was the other chairman, recommended to the court the adoption of one prison; you stated that you were out-voted by a considerable majority, and you also stated that there were several memorials from different boards of guardians in the county praying for one prison, but that those in the eastern division prayed for the retention of the Shepton Mallet prison, and those in the western division prayed for the retention of the Taunton prison. Supposing that the eastern boards of guardians had been told that they must accept Taunton, or the two gaols, and the western boards of guardians had been told that they must retain Shepton Mallet, or the two gaols, would they have been in favour of two prisons, and not of one?—I cannot say so; all I can say is, that having been present at all those discussions, and having heard all that those gentlemen had to say upon it, it seemed to me to be a determination on the part of the eastern magistrates, thinking that they managed their gaol very much better than the western magistrates, to adopt Shepton Mallet, whilst the western magistrates fancied they did it better than Shepton Mallet, and therefore they desired to retain Taunton.

2273. Do you think that they spoke the opinions of the ratepayers, notwithstanding the memorials?—I do think so.

2274. We have heard a great deal about the constable's house at Glastonbury. Supposing you were told that all the money that had been expended upon the house and premises, should the county sell the premises, would be reimbursed to it, would you think that the expenditure came within bounds, if that were the case?—I stated to one of the honourable Members that I thought that by a misfortune, and I think it a misfortune, eventually we might lose between 500 *l.* and 800 *l.*, but, of course, I am only too glad to hear that if we wanted to sell the premises we could sell them for all we gave.

2275. Mr. Eagles says, alluding to the court of quarter sessions in Question 544, "There has been for many years a custom, and I am sorry to say that it is still continued, of asking at our sessions for, I think, a penny rate, whether it is wanted or not, as a general thing"; is that so?—I have already answered that the real fact is that it is not so. Frequently we have for county purposes a rate of half a farthing. It is exactly what we want, and nothing more.

2276. Mr. *Kendall.*] Do I gather from you that Mr. Eagles, from his evidence, is really ill-acquainted with the details of the county financial matters; is that the conclusion to which you would come from his evidence?—I am astonished to find him so ignorant.

2277. You think, therefore, that his evidence is calculated to give an unjust impression as to the financial ability of the magistrates and their economy also?—No doubt of it. But, at the same time, I think, as I said before, that Mr. Eagles has done good in his generation. I think that he has called our attention to little things, and we have adopted several of them; and I think that we shall adopt more, which will make the accounts to the general public, if they will look into them, more easily understood.

2278. Seeing that all your expenditure, wi regard to gaols, with regard to lunatic asylum and with regard to the police, and all those thing is managed by Act of Parliament, and that t magistrates have very little discretion, do y think the expenditure over which they have a control could vary, up or down, more than 7½ 8 per cent?—Certainly not; because, if there a proposition to add anything to a sum alread paid, we have three or four gentlemen that a always up in arms upon it, and the thing is di cussed at great length.

2279. Supposing, for a moment, that you ha got discretion to a greater amount, do you thin that you could vary it 10 per cent., even if yo were not very careful?—You could not do so unless you had a great growl out of doors.

2280. Lord *Henley.*] Have you the Highwa Act in operation in Somerset?—Yes.

2281. Was it adopted without consulting th ratepayers?—No. The law lays down certai things that must be done previously to adoptin the Highway Act. First of all you must have requisition signed by a certain number of magis trates, which must be published in the papers that the question as to adopting the Act, eithe for a part of the county or the whole of th county, will be taken into consideration at nex quarter sessions. I forget the exact time the notic must be given before the quarter sessions, but th time is laid down, and it must be a considerabl time, so that the public have perfect cognisanc that such and such a transaction will take plac at the quarter sessions.

2282. But supposing that they have cognisanc and disapprove of it, have they any means whatever of making their feelings known?—Yes, because all the quarter sessions can do, even if they proceed so far, is, first of all, to make a provisional order; and then another quarter sessions takes place, when they make the final order. So that there is a time for publication; I think it is 14 days. There is a general publication that such and such will take place, and then there is a discussion whether it shall be for part of the county or for the whole county or for any part of the county. That is done at the first quarter sessions, and then there is a second quarter sessions, at which they say whether or not they will make their provisional order final.

2283. Did the ratepayers in Somersetshire show any feeling upon the subject?—I think none at all. I almost think that when we were discussing the adoption of the Highway Act at the quarter sessions first, we allowed one or two gentlemen, not justices of the peace, who were in the gallery to be heard.

2284. Mr. *Reud.*] You pay your clerk of the peace 1,800 *l.* a year, do you not?—Yes.

2285. I see in that expenditure there is also 172 *l.* for the committee clerk; what does that mean?—In making a new county rate we may appoint, under the County Rate Act, any person we please, and give him a salary. We appointed our clerk of the peace as our committee clerk. Otherwise he does all common duties without any payment whatever. This is a special duty.

2286. Does your clerk of the peace act by deputy?—No.

2287. Did he transact the business of the cattle plague for the county?—Yes, he did.

2288. Did you pay him anything extra for that?—I think not.

2289. Had you any farmers associated with you

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u on the finance committee of the cattle
gue for the county?—Not on the finance
nmittee; on all the district committees they
vays acted with us. We had six or eight of the
st considerable farmers of each district.

2290. On the finance committee of the county
u had no farmers; they were all magistrates?
Yes, all magistrates.

2291. I see you have a return here of 1,937 *l.*
nuneration to clerks for licenses; did the clerks
the different divisions throughout the county
Somerset charge for preparing licenses?—So
ich for every license.

2292. Then the magistrates did not fill them
themselves?—They did in some cases. We
ınd how much this came to, and the conse-
ence was we altered it at once, and lowered it
ry much, and eventually we abolished it alto-
ther when the cattle plague was over.

2293. I see that, in addition to that, there is
out 90 *l.* for professional charges for those
rks, which of course is independent of their
lary?—That was, in all probability, for attend-
g summonses as evidence against persons for
ntravening the cattle plague Act.

2294. I see that so late as April 1868 you paid
3 *l.* for the remuneration of clerks for licenses?
Yes; that I hope will finish the whole busi-
ss.

2295. I suppose those licenses were very ge-
ral?—Very much so, indeed.

2296. They were imperative on everybody and
ery district, were they not?—We adopted the
an from the first of stamping the disease out.

2297. I am speaking now about granting those
enses; were they general throughout the
unty?—Yes, they could not move without
em.

2298. How comes it to pass that in the first
tty sessional division I see that the clerk
arges 89 *l.* for preparing licenses, and in the
xt petty sessional division the charge is 3 *s.*?—
can give no account of it.

2299. You have had a new county rate assess-
ent lately, have you not?—Yes, we have.

2300. I see that it has cost you within a trifle
3,000 *l.*?—That is altogether; but when the
cusant parishes under the survey are put higher
ıan the assessment at first, delivered in by them,
ıey pay their own expenses, and we have been,
couped except for 723 *l.* 11 *s.* 3 *d*, which is the
hole sum really chargeable to the county for
aking the new rate.

2301. Why did not your quarter sessions ac-
ept the assessment of the unions as they did in
ther counties. I suppose you have the Union
hargeability Act and the New Assessment Act?
-I am afraid I must trench upon Mr. Wyld.
Vhen the New Assessment Act came into opera-
on the magistrates, generally speaking, felt from
ıeir knowledge of the different unions that the
ssessments would be conducted on a very
ifferent principle in each union of the county,
nd therefore they determined to call delegates
om each union, one elected guardian and one
officio guardian, the unions themselves to select
ıose persons. They agreed to do it, and we
ıet 36 people, that is to say, delegates from 18
ifferent boards of guardians, at a central place
alled Highbridge. We there drew up certain
esolutions to be adopted by the whole county,
ıking care as well as we could that one union
ıould go upon the same principle of assessment
s the other, and, consequently, that the whole of the unions of the county, should they adopt it, should be under one system of rating. We came to five different resolutions. We took each quality of property *separatim*, and then we determined what should be deducted from the gross of each description of property, so as to bring it to the net value. I am happy to say that, after about four hours' discussion at Highbridge, we came unanimously (except as to one of the resolutions) to those decisions. We met once or twice afterwards, but it was merely to consider some things which we took legal advice about; and I am happy to say that, throughout the unions, our resolutions were adopted; and the whole assessment of the rate was made upon those resolutions, those resolutions being drawn up partly by elected guardians and partly by *ex officio* guardians. My own idea is that the great thing is to have one rate for the county which shall command everything, if it is a proper rate. And we then gave notice that we should take the county rate into consideration. Having all the returns of the new assessment from the different unions of the country, we went carefully over all of them; and I may say that one of our largest unions, called Axbridge, had drawn out so good a return that we adopted it generally as a means of comparison. Of course, according to Act of Parliament, we had our overseers and churchwardens before us; and we had our day of appeals, and eventually we formed our county-rate immediately upon the basis of the poor rate assessment of the unions; but wherever we found a difference, and a great difference, we had those parishes fresh valued, and the consequence is, that in every instance we have adopted that as our valuation, as being a proper one, although the parishes valued afresh had to pay as much as 2,269 *l.* 8 *s.* 4 *d.* for the new valuation.

2302. If you adopted the union assessment, how did it come to pass that there was any difference between you?—It came to our knowledge when sitting upon the county-rate assessment committee, that, in some instances, although they had actually adopted what we call nominally the Axbridge resolution, they had not really; and the consequence was, and it was almost invariably the case, that we found where a gentleman's property in a parish was the actual majority of the rateable property, there it was all right, but we found in parishes where there were a great number of small occupiers, and, generally speaking, we have several parishes in Somersetshire with merely farmers and yeomen living in them, they proceeded in rather a loose way, and said, "Oh, dear me, let us add 10 per cent.," and so on; and in some cases, where we knew they were wrong, they had not come up to the rules which we had laid down for their guidance, called the Axbridge Resolutions. I think that our county rate now may be conceived to represent as fair and equal a county rate as can by possibility be formed in any county.

2303. In fact, you consider your county rate very much preferable to the poor rate assessment of the different unions?—I do; because where they are not returned fairly it is only adding to the rate in those parishes which have not acted fairly.

2304. I suppose you made no deduction when you thought it was assessed too much?—Indeed we did. We always heard exactly what was stated; but I am happy to say that there were

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very few appeals indeed. But whatever was stated, either for or against the rate, we heard and determined. As you are aware, we have the power of putting the oath in the county rate committee; and we heard evidence upon oath and determined upon it.

2305. I see that there is a little hotel bill in this charge of 53 *l.*; what was that for?—You will be aware that I do not attend the finance committee, and I can only give you general information; but I will do the best I can.

2306. The entry is "New County Rate Expenses, Hotel Expenses, 53 *l.* 1 *s.* 6 *d.*;" was that for the bread and cheese of the valuers, or something of that sort?—The magistrates who formed that committee had to go for two or three days to Taunton, and their expenses were paid.

2307. You have added something like a quarter of a million, have you not, to your old assessment?—Yes.

2308. When did you add that?—We reported last midsummer.

2309. Have you collected any rate upon it?—Yes.

2310. Then your rate now of the same amount collects a larger sum than it did previously?—A farthing rate comes to 2,296 *l.*, whereas, previously it only amounted to 2,029 *l.* 0 *s.* 3¼ *d.*

2311. I think that comparing Somerset with Devon, you may say that Somerset has about one-third less area in round numbers and a smaller population?—Yes; but I am not quite clear without going minutely into it. Devon has a great number of exceptional jurisdictions, and until I take out those I cannot say whether the accounts are right or not. We have only two exceptional jurisdictions, and those are Bath and Bridgewater.

2312. I find that the general county rate in the county of Somerset for the year ending Michaelmas, 1867, was about 15,000 *l.*, and that for Devon it was about 7,000 *l.*; are you cognisant of that fact?—That would be about the amount, I daresay.

2313. With regard to the police, in Somersetshire the rate was 19,000 *l.*, in Devonshire 17,000 *l.*; how does the difference arise?—I have endeavoured to explain that by saying that the Devonshire magistrates act contrary to law. I have shown that there is an order from the Secretary of State for the Home Department of 1866 stating that the minimum to be paid to any constable shall be 17 *s.* 6 *d.* per week. I have no idea how the Devonshire magistrates got round the Secretary of State, but I find appended to a document of theirs, which you have in the House of Commons, that they did so, and that for a time they are allowed to give only 16 *s.* a week. That in itself is one item, that is all I can say.

2314. I find this, that with 19,000 *l.* you have a police force of 286 men, and the county of Devon with a police rate of 16,000 *l.*, have a police force of 334 men?—Yes; I think I have stated it before, but let me state it broadly again; the Devon gross annual pay for the police amounts to 17,984 *l.* 15 *s.* 1 *d.*, the average being 53 *l.* 16 *s.* 11 *d.* per man; in Somerset it is 16,866 *l.* 1 *s.*, or 58 *l.* 19 *s.* 5 *d.* a man.

2315. With regard to your printing, you have told us that the printing of Somerset is 671 *l.*, whereas you are probably aware that in Norfolk it is 286 *l.*?—I believe that I gave as fair evidence as I could about that; it is very high indeed, but we hope to reduce it.

2316. Will you tell me how it comes to that you pay 318 *l.* for 400 copies of your lis voters; does not that sound an immense amou —Something must be done, as I endeavour to plain; we formerly adopted good paper quarto printing, now we adopt bad paper octavo printing, so that it is reduced to a cer rate.

2317. The cost of printing the Norfolk lis voters is 52 *l.* a year, and yours is 318 *l.*, an appears that you have only 400 copies for 318 *l.*; then with regard to your gaols, I see t Somersetshire pays 10,000 *l.*, and Devons 5,000 *l.*—A good deal for the gaol should be un the head of extraordinary expenses.

2318. Have you had considerable pressure upon the county by the Home Office, and h you attended to it?—The pressure was the of Parliament; directly an Act of Parliam passes, we always attend to it, but in other co ties they do not.

2319. In Devon they resisted it, did they n —I do not know anything about Devon.

2320. In the case of the police, they did re the Act of Parliament in Devonshire; they not pay them what the Act of Parliament quired them?—They only give them three p of trowsers in two years, when they are orde by the Secretary of State to give them four.

2321. With regard to those arrears of police; for Wells, I see, there is 54 *l.* put do last year and 60 *l.* this, and I think you said t there is 34 *l.* left to finish that amount of arre for Wells?—Yes, that is the amount which have been talking of; now it is reduced 35 *l.* 3 *s.* 11 *d.*

2322. With regard to the county of Devon, see that they pay their treasurer 260 *l.* a y and he regularly credits the county with intere and I see that although he had only 3,131 *l.* hand at Michaelmas 1867, he paid into the acco of the county 90 *l.* for interest, whereas yo treasurer, who has 10,000 *l.* in hand, pays nothin —I do not know whether the treasurer in Dev is a banker; that makes a great difference, course.

2323. Still it does not make a difference to t county in the interest?—There are a great nu ber of bankers who are only too glad to get t county account, and who would pay a small inter upon it.

2324. Is your treasurer the treasurer of t county lunatic asylum as well?—Yes.

2325. There I see he does allow a certa amount of interest; how comes that to pass?— cannot explain that; but you can get it fro Mr. Dickinson.

2326. You stated, did you not, that the agen paper contains all the notices of business at t quarter sessions?—Yes, it does, except, as stated, that I always put it after the whole bus ness is gone over, whether there is any fre business to come on, and then we take the fre business if it is to come on.

2327. Is it true, therefore, as I think M Eagles states, that on one occasion, without an notice, a vote of 2,500 *l.* was taken for building chapel at the lunatic asylum?—Mr. Dickins will tell you about that. The real fact is (bearin in mind that the court of quarter sessions h now very little to do with the lunatic asylums), is left to the committee; so far I do know, that was necessary to enlarge our lunatic asylum, an that what is now the chapel is to be used in th enlargemen

argement, and that another building was to be
·ted as a chapel. Mr. Dickinson will tell you,
ave no doubt, the particulars of it, because I
st say the lunatic asylum has been most eco-
nically managed, and you will also bear in mind
t, except for the original building, little has
ie out of our county expenditure for it.

328. May I ask you whether in the agenda
re was simply a notice to this effect : "Report
Lunatic Asylum Committee," and with only
t notice in the agenda paper, a sum of 2,500 *l.*
voted for a new lunatic asylum chapel ?—In
case of the lunatic asylum we should know
hing about it generally; we leave it almost
irely to our committee. We have not the power
aying you shall not do it; they may say we
ll do it; and we have the power of saying,
Ve will only allow you so and so for it; but
s only a question as to the cost; we have only
ver to say, "If you do it you shall only do it
such and such a sum."

329. Then, on another occasion, I believe
hout any notice on the agenda paper, the
erintendent of that asylum was pensioned ?—
ere was a good deal of discussion about that.
quarter sessions had no power, and eventually
visitors gave 450 *l.*, and I think if ever a man
erved a pension of that kind, Dr. Boyd did.

330. If the Lunatic Asylum Committee does
bring this business before the quarter ses-
is, of course the public can know nothing
atever about it ?—So far they know it by
ort, and I think I stated before, that we hold
power in the case of anything which comes
n the report of a committee of voting it at
e, but if it does not come through the report
committee, with regard to every farthing
ice must be given at one session for the next
ion.

331. Sir *William Gallwey.*] You stated, did
not, that the ratepayers of Somersetshire did
particularly object to the imposition of the
ghway Act ?—I am not aware that they did.

332. But you can positively say that they did
?—I never heard of it.

333. Then your evidence is merely that you
not know ?—I only know as to one union which
my own; I never heard any complaints there.

334. Assuming, then, which I think I am
ified in doing, that there might have been
nplaints, and great complaints unknown to you,
at means had the ratepayers of stopping the
position of this highway board, if they objected
it ?—In the highway boards the magistrates
always associated with the tenant farmers.

335. I mean, what means or opportunity had
ratepayers of Somersetshire to prevent a
ghway Act being enforced by the magistrates,
uming that they strongly objected to it ?—
ave endeavoured to state, that as far as all the
ices and all the meetings are concerned, every-
ng is laid down by Act of Parliament. The
gistrates have no other power except that given
the law, such as it is.

2336. That is nothing; they have no power,
e they, of objecting to the Highway Act being
in force by the magistrates of quarter sessions,
withstanding that they almost unanimously
ct to it ?—All I can say is, knowing as I do
bench, that if in any locality there was a
eral wish that the Highway Act should not be
in force, two or three gentlemen would imme-
tely jump up and say so.

37. But I gather from you, that you cannot say whether there was any objection or not ?—I never heard of any; that is all I can say.

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2338. Assuming all that you have stated, that you do not think that they had any means of objecting to the imposition of the Highway Act, in case they objected to it, do not you think it would be just and fair that they should have such means, by being in some proportion associated with the magistrates in all cases which relate to financial matters ?—I have never had any objection at all to the association of the ratepayers with the magistrates.

2339. An honourable Member inquired whether your clerk of the peace acted by deputy, and I think you answered that he did not; have you any county officer who acts by deputy ?—No.

2340. I suppose you are perfectly well aware, that it is by no means an unusual thing for the clerk of the peace to receive a very high salary, and to act through a deputy at a very small and insignificant salary ?—I can answer certainly that it is the case, and in our neighbouring county of Gloucester it is so.

2341. Do you think that that is just and right, and fair to the ratepayers ?—Certainly not.

2342. Do you think that it is unjust ?—Yes; I think it is unjust. I think no public officer should be appointed who is not able and willing to fulfil all the duties of the office.

2343. On whom do you think the injustice in that respect which you mentioned rests; who is responsible for the injustice ?—I rather think that the law is responsible for it, and that it is in the power of the clerk of the peace to name a substitute.

2344. I suppose your opinion is that the law should be altered ?—Certainly.

2345. Do you approve of the present mode of electing the county officers, such as the treasurer, and so on, by the magistrates in quarter sessions assembled ?—So long as the quarter sessions are to perform their present functions, I do not see that there can be any objection.

2346. Do you see any inconvenience in the present mode of appointing them ?—Not the slightest.

2347. Do not you think that their being appointed by such a large number of magistrates takes away, to a certain extent, the responsibility as to fit appointments being made ?—Notice is given, and I cannot fancy anything fairer. One proposes one person, and another proposes another; it is exactly the way you are elected in Parliament; the greater number of votes carries the election.

2348. If there is an inefficient officer appointed the responsibility rests upon no one; or rather it rests upon a great number which is equivalent to no one ?—You may say so.

2349. I am speaking of course from my own experience, and you answer from your own experience; do not you think that the present manner of appointing by magistrates leads to a great deal of very objectionable canvassing of the magistrates by the friends of the candidates for offices ?—I really am not aware of it; I know I was never canvassed.

2350. And that candidates are too often appointed not from their merits, but from the accidental relationship which they may have to the magistrates sitting on the bench ?—When the honourable baronet was not here, I stated that in the case of the election of the chief constable that there was a large number of magistrates pre-

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sent, and he was comparatively unknown; he was known, I believe, but to one of the magistrates, and, as I consider, the best man was elected.

2351. Does not it lead to a kind of agreement between the magistrates, such as, Help my friend if you have an opportunity, and I will at a future time help yours?—I think not.

2352. There is something which is even stronger than politics, namely relationship and friendship; I ask you whether you do not think that that leads to a kind of feeling amongst the magistrates of, Help me when I have a friend seeking office, and I will help you at some future time?—I do not think it does in Somersetshire.

2353. *Chairman.*] With regard to the county financial boards, of which you have heard a great deal, I believe, in the county of Somerset, would you give your opinion to this Committee as to what is the general feeling of the ratepayers in the county?—I know a great deal has been said relative to the necessity of financial boards, but my own opinion is that if it had not been for the letters, which have been pretty numerous, of X X X (that is Mr. Eagles, the gentleman whom you have had before you), there would have been no feeling at all on the subject, except in the case of the unions of Bridgewater, Yeovil and Chatton.

2354. Those letters having been written, do you think that since those letters have been written, a feeling has been excited in the county upon that subject?—The Committee is aware that new associations are springing up now in different counties; I allude to the chambers of agriculture. Whether right or wrong, I do not give an opinion, but there can be no doubt at all, I think, taking the nation as a whole, that they are of opinion that in the expenditure of a considerable sum of money, they are not sufficiently represented.

2355. Do you think that that is an opinion which is very prevalent in your county?—No, I do not think it is so, particularly in my county; but it is getting more prevalent every day.

2356. How does that feeling reach the magistrates; is it merely through the newspapers, or by remonstrances?—Through the newspapers, and from the accounts of those various agricultural boards, seeing the number of people who subscribe to them, because we suppose that those who subscribe their money do so for a particular object.

2357. Are you able to judge by the information which you have received upon this subject, what is the nature of the board which would be satisfactory to the ratepayers?—I think that the people care very little indeed what is the nature of the board, so that there is a more popular element put into it.

2358. Have you heard that at meetings complaints have been made that the ratepayers are not sufficiently acquainted with the details of their finance?—I have.

2359. Have you heard at those meetings that complaints have been made of the amount of the salaries, or any other particular item of expenditure?—I think it is more, if I may so call it, a general discontent; it is not particularly of one thing, or of the other, but it is, Why should not we have more power in the investigation of those accounts, more power in the expenditure of that finance which is raised from our pockets.

2360. What do you collect to be the plan which has met with the most favour at those meetings; is it that the board should be composed of members elected from the boards guardians, or from the ratepayers generally? can conceive that there can be only one way, w our present institutions, of doing it, which through the boards of guardians.

2361. Do you think that that is the feel generally?—The feeling of going back, as Eagles wants you to do, to the general co tatis of the whole county to determine up those who are best able to serve them, is ridi lous; we can only make use of what we ha You have no machinery more capable of expre ing the views of the people in the immedi neighbourhood than the boards of guardians.

2362. How many boards of guardians there in the county of Somerset?—Eighteen.

2363. Supposing that Parliament were sanction the erection of financial boards, do y believe that it would be possible to conduct t business of your county by a board consisting 18 ratepayers and 18 magistrates?—In anoth way I have given evidence upon that poi namely, what we did in our assessment co mittee, in how short a time it was done, and t general discussion that took place, in three four hours the whole body of delegates, adopti resolutions; and in that case there were an equ number of elected guardians and *ex officio* gua dians, in all 36.

2364. In that meeting did you observe a jealousy existing between the guardians and t magistrates?—Not the remotest in the world.

2365. You work together harmoniously? Yes; in perfect accordance.

2366. Had you any divisions of opinion? There were, I think, about three who dissente to one proposition: but that was stated in ou return.

2367. You had no great divisions of sufficie importance for you to recollect, then?—Non whatever; they were exceedingly useful board the boards of guardians generally returned th men best acquainted with the finances of thei particular union, and, generally speaking, w have what we call yeomen, people who have ha their property in their families for 300 or 40 years, and they attend to business; and are th very people to form a board to act with th magistrates.

2368. What is the custom in the county of Somerset, in the election of chairmen of boards of guardians; is the chairman, generally speaking, taken from the gentry of the county?—I think, generally speaking, as long as they would attend, it was almost always magistrates who were selected.

2369. You cannot speak with any exactness upon that point; as to the proportion of the unions in Somersetshire, in which magistrates have been elected chairmen of boards of guardians?—I cannot particularly, but I should think in a very great majority of cases they were magistrates.

2370. Do you believe that it would be satisfactory to the ratepayers in the county of Somerset, that the financial board should consist one-half of elected members appointed by the board of guardians, and one-half of magistrates; or do you think that they would prefer the power of electing the board from the magistrates exclusively?—I think it would be very much better that the magistrates should elect their part as a magistracy, and that the board of guardians should elect the elected part, whom they would send to assist those magistrates; and it is for this

reason

on that one always finds in a large commu-
that certain persons give themselves up to
icular things. That is the case at the quarter
ions, as you know perfectly well; certain
ple go to prisons, certain people go to
nce, and certain people go to the lunatic
ums; each has his particular post in which
ikes to exercise himself. Of course the greater
intelligence and the knowledge, and the more
exercise themselves in particular branches,
more they must know of them; and those
ted guardians would be most admirable people
in to them, but they would require to be kept
rder on subjects on which they necessarily
w little.

371. Would you entrust the whole of the
nce of the county to those boards, or would
reserve to the magistrates exclusively the
nditure of all sums for which they themselves
e responsible; I mean specially with regard
ie salaries which are connected with the peace
ie county?—As you are aware, it is so difficult
y what is by law, what is by the Secretary
State's order, and what is really under the
istrates, that it is almost impossible to give
stinct answer to that question; but the only
culty I see, is in the prisons; I see the
test difficulty with regard to prisons, I do not
k you could make visitors of your elected
dians; they must be magistrates, because, as
are aware, they have often to inflict punish-
t. If any *émeute* takes place in a gaol and
visitors order a certain number of lashes to
nflicted, I do not see how you could give
er to the elected guardians to do that; the
istrates do it under the powers conferred
them by the Queen.

372. I collect from your evidence that on the
le you are not unfavourable to elected
ds?—I formerly had a good deal of expe-
ce in boards of guardians. I took a great
of interest in the poor law when it passed,
ur two counties. I was then resident in
icester. Our two counties, Gloucestershire
Somersetshire, are so closely connected with
tol, that there was a good deal of difficulty
anaging the relative parishes that really did
ng to Bristol, and which were put into two
rate counties. I was asked to take the
icestershire side as the first chairman. I
w very few of the people, because there were
st number of urban as well as rural gentle-
; but, without a dissenting voice, they put
nto the chair. This was a large union of
00 inhabitants, so that I pretty well know
working of the system; and it appears to me,
r seeing the working of it, that they do right
.

373. Do you believe that the members elected
the board of guardians, supposing that they
e selected from the farmers of the county,
ld undertake the duties free of expense, and
out putting the country to any additional
ge?—I have no doubt that they would un-
ake the duty; but if there is any doubt of
you could give power to the board of guar-
s to elect others than their own body, resi-
within the union, and then, of course, they
ld only elect such a one as could afford to
nd at the Board.

374. Mr. *Wyld.*] I believe, when you were
he House of Commons, you always were
urable to the establishment of county financial
ds, to some extent?—I was not for a long time; I used to object to it annually; but latterly I was.

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2375. Your opinion, I believe, is based upon the feeling which you have, that representation and taxation ought to go together?—Quite so.

2376. You have a very intelligent and a comparatively wealthy body of yeomen in Somersetshire, have you not?—We have. It is rather an extraordinary county; there are very few large properties. Generally speaking, the county is pretty well divided amongst the gentlemen and the yeomanry, and a most respectable set of yeomanry they are.

2377. In all matters that have taken place lately upon assessment and other committees, where the yeomanry have been associated with the magistrates, have they worked harmoniously?—Perfectly so, in every way.

2378. There has been no complaint upon any occasion on the part of the magistrates?—Certainly not; if it had been otherwise, possibly I should not have given the evidence that I have given. I am certainly friendly to it in my own county.

2379. Is it your opinion that the finance should be managed by the county Board, but that the judicial functions should be confined to the magistrates?—Yes, certainly; because the latter should always proceed from the Queen.

2380. If the financial arrangements only were confined to the county financial board, there would be no interference with the internal management of the gaol upon their part?—Certainly not; I do not think there would be any difficulty in keeping the executive of the magistracy and the finances quite distinct.

2381. Therefore all structural arrangements connected with the gaol, and so on, might be entrusted to the county financial board?—Yes; I think the shorter your Bill is the better; I am afraid you rather split upon details.

2382. Then, as I understand, you are in favour of the principle of a mixed board of elected magistrates and ratepayers?—Yes, as a county financial board.

2383. I believe that there is every confidence in the economy of the magistrates in the county of Somerset, but in the conduct of their business the expenditure which takes place is only communicated to the ratepayers after it has been incurred?—Certainly.

2384. And the reports of committees are adopted with regard to expenditure without previous notice?—They may, or may not be; they may be, but if a particular item strikes two or three gentlemen as being excessive, they would say, "We do not object to vote the acceptance of the report of the committee, except with regard to that paragraph, and we beg leave to move that it be taken into consideration next quarter sessions."

2385. In your report you say, "Memorials have been sent from different boards of guardians within the county to your committee upon the subject of county expenditure, from Clutton, Frome, Wincanton, Shepton Mallet, and Wells, in the eastern division of the county, and from Bridgewater, Yeovil, Langport, Taunton, Wellington, and Williton, in the western division;" if county financial boards were established on something like the principle of the Bill which has lately been before Parliament, do you think those complaints would cease to exist, and satisfaction might be given to the ratepayers?—I do

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not say that satisfaction at present exists; I do not know it, but I think greater confidence would be given that everything was done as a representative board should do it, and not as an *ex officio* one.

2386. Mr. *Henniker-Major*.] You stated that the ratepayers and magistrates, when they have been associated together, have agreed very well; do you think that if there was a separate financial board, composed, as you stated, half of magistrates, and half of ratepayers, and that power was still left in the hands of quarter sessions, to a great extent, as proposed by Mr. Wyld's Bill this Session, they would come into collision ?—Of course the board would take care that there were certain financial days appointed to every quarter, as there are for finance in the finance committees. Generally speaking, it is the day before the quarter sessions, and say that you give them two days, that would not interfere the least in the world with the business of the sessions. All that would be done would be that one magistrate, supposing that he were the chairman of the board, would bring in the report from the financial board, and that would be laid before the magistrates, and it need not interfere the least in the world with the rest of the business.

2387. I meant, supposing that the magistrates were not to adopt the report of the finance committee, and that they were to disallow it, do not you think that they would very likely come into collision ?—I think if you had financial boards, the whole of the finance should be under their control totally and entirely. You cannot do things by halves, because there is a large body sitting, say for two days, giving all their power to the examination of a particular set of accounts, and having done that they come in and say, "There is our report;" but if those who had not been on the finance board, which the majority of the magistrates would not be, had the power of getting up and saying we object to this, and had the power of throwing it out, what is the good of a finance committee ?

2388. Sir *William Gallwey*.] There is one
difficulty which has suggested itself to y
daresay, and that is with regard to the vis
of the gaols; do you think that the fina
board could be the visitors of the gaol ?—I t
as to their being the visitors of the gaol
totally impracticable.

2389. We will suppose a body of magistr
the visitors of a gaol, who may wish to have
tain repairs executed that are absolutely neces
for the safety or convenience of the priso
and yet those expenses may be liable to be
allowed by the financial board; do not you
that that great difficulty might arise ?—You
only have two audits; you must have an
by the visiting magistrates of the weekly and
expenses of the gaol, and that would act as
check upon the expenses, but they would
to place every question of new expense be
the financial board, and the financial board w
be an appeal committee, and would take t
items which had been allowed by the visi
magistrates into their consideration, and a
should think, exactly the same as the fin
committees do now; they would say, those th
were necessary, and therefore, of course, we
pass them.

2390. Do you think that magistrates w
fill the office of visitors if they were not abl
order certain repairs which might seem to t
absolutely necessary, without any fear of
being reprimanded, as it were, by the disall
ance of the financial board ?—By the Ac
Parliament, if there are any immediate rep
wanting in a gaol, the visiting magistrates
execute them; that power, of course, must
continued.

2391. Has it ever been suggested to you
instead of choosing the ratepaying portion of
financial board from amongst the guardians,
might get better men amongst the wayward
of course, that could only be of course where
Highway Act is in operation ?—I should pr
the board of guardians.

FRANCIS HENRY DICKINSON, Esq., called in; and Examined.

F. H. Dickinson, Esq.

2392. *Chairman*.] I BELIEVE you act as Chairman of the Visiting Magistrates of the Lunatic Asylum of the county of Somerset ?—Yes.

2393. Have you seen the evidence which has been given to this Committee ?—I have seen Mr. Eagles' evidence.

2394. Have you any remark to make upon it ?—I have two or three things to mention with regard to it. First, with regard to Question 600; the impression on my mind, from the answer to Question 600, was, that Mr. Eagles intended to imply that we spend 24,000 *l.* a year as the ordinary county rate. I have a paper by me, which I made out some time ago, which gives the average of the last 24 years of the money levied for the county rate, which amounts to under 15,000 *l.* for each year; and during that time we spent a very large sum, 36,000 *l.* on gaol improvements, and on new court houses 30,900 *l.*, militia store houses 10,000 *l.*, and certain payments about the asylum, and other things of a smaller amount, amounting to about 86,000 *l.*; and the average (after deducting those amounts) that has been charged for the ordinary expenditure of the county was about 11,450 *l.* Mr. Eagles stated that our rate would be about 4¼ *d.*; I think that that is more than it will be; it will be under 4 *d.*
I think, in future, and it has been less of l
Last year it was considerably more than
many years back.

2395. What was that owing to ?—I hardly
say. I have not looked carefully through
accounts, but the amount levied was, as
Eagles stated, 15,174 *l.*; for the previous yea
was 12,000 *l.* odd; for the year 1865 it
14,200 *l.* odd; for 1864 it was higher, 16,00
odd; and, for several years previously to tha
ranged about 10,000 *l.* I may also mention t
the police rate is about 4-7ths of the wh
amount levied. I wish also to mention that
chief constable, about whom you have heard
great deal, lived in the house for more than
years before the unhealthiness of the place w
found out, which caused us to give him a n
house. I wish to mention, also, with regard t
question put by Mr. Wyld about the pub
opinion in the county being against our ga
that I do not think it has been. I think, u
the whole, public opinion was merely for leavi
it as it was; each end of the county wished fo
gaol in its own part, of course, but public opini
I think, is not in favour of one gaol unl
that wish could be gratified, which of cours
could not be.

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2396. How have you collected public opinion upon that subject?—Merely from what I have heard at the quarter sessions, and heard elsewhere.

2397. Have there been any public meetings upon this subject?—No, I think not.

2398. Nor memorials from the boards of guardians?—Yes, there have been plenty of memorials; but usually they would all favour their own end of the county, I think, as Sir William Miles stated to you.

2399. The memorials from the boards of guardians depended upon the neighbourhood in which they were?—I think so, entirely.

2400. Some were for Taunton, and some were for Shepton Mallet?—Yes. There are several matters respecting the asylum about which I wish to speak to the Committee: I was struck with the statement in answer to Question 551, that the expenditure was 25,000 *l.* or 26,000 *l.*; ere is a copy of the asylum report (*handing the same to the Committee*). You will find in Table No. 2, towards the end, a statement of our expenditure at page 105, giving the actual cash receipts and payments in the year 1867, amounting to 3,000 *l.*, and there is a balance of 1,165 *l.* at the beginning, and a balance of 764 *l.* at the end; so that you see the cost during that year was rather over 12,000 *l.*, and of that about 10,000 *l.* was for maintenance, 660 *l.* for the farm, and 1,500 *l.* for building; I believe that Mr. Eagles has corrected that answer by putting 13,000 *l.* or 14,000 *l.*; but it is below that even.

2401. Have you any farm attached to your lunatic asylum?—Yes, certainly; we have over 0 acres of land. A good deal has been said about the building of the chapel, and about the grant of a pension to the superintendent. With regard to the chapel, we wanted the place where the chapel now is for accommodation of the patients; it is situated in the centre of the building, and we are enlarging by adding rooms in the roof of the building, and we want day-room accommodation for the patients who have sleeping accommodation in the roof; our object in building the new chapel was to obtain the place where the present chapel is for day-rooms for the patients; and in fact the 2,500 *l.* which the chapel would cost, independently of its use as a chapel, was economical, with a view to providing more accommodation for the patients.

2402. Was 2,500 *l.* the whole sum expended?—£. 3,000 would be the whole amount. I think it was understood that 500 *l.* would be the value of the labour of the patients, so that we did not go to the county for that.

2403. Then you maintain that that must not all be set down to the chapel, but partly to additional accommodation in the asylum?—Certainly.

2404. For what sum do you suppose you could have found the same accommodation if you had not had to build the chapel?—I conceive that we could accommodate 100 more patients; and if you put 100 more for 2,500 *l.* it is very cheap accommodation indeed. With regard to the giving of a retiring pension to the superintendent, there are several remarks made by Mr. Eagles about it which seem to me to be not very much to the purpose. We met; there were 11 of us present, after a proper notice. We require the statutable notice, which was carefully attended to. Eleven of us met and debated it carefully; and there were three propositions made, of 500 *l.*, and 450 *l.*, and a smaller sum, but I forget what. As chairman, I put the smaller sum first, but the person who had moved it told me that he did not insist upon it, and did not wish me to put it; I then put 450 *l.*, and there were five hands held up for it; and I knew that there were five the other way, and therefore, as I had the vote in my own hands, I said that my opinion was that 500 *l.* was the better amount to give him, but I was willing to give the lower sum, in order to secure unanimity. We were therefore unanimous; we went to the court of quarter sessions an unanimous committee, and the court of quarter sessions gave us the grant without much discussion. I happened to say that I thought it quite right, when the committee was unanimous, that the court should grant what it proposed, even without debate, and for that I have been rather ill-treated by my reverend friend. The extension of the asylum and its accommodation has been a matter of very great anxiety to me ever since we opened it. Even during Mr. Moody's time, who was my predecessor, we began to form a building fund, which has amounted to something like 13,000 *l.*; raised by the pay of the out-county patients and the borough patients. We have formed a fund which has enabled us to increase the accommodation from 350 to something like 550, which it is now, and that at a cost which really is very low. Mr. Eagles has complained very much that we have taken in these kind of lodgers; but that really has been, as I think the Committee understood by the questions which they put to him the other day, a very economical plan indeed for the county.

2405. You heard the evidence given by Sir William Miles just now, with regard to county financial boards; have you any suggestion to make, or what is your opinion upon the subject?—My own impression is that it would be better to begin tentatively. There are certain questions about highways which would give a very fair opportunity of beginning the change. The indictment of roads is an exceedingly inconvenient thing. Whenever a person having plenty of money and time, and an amount of courage, can go against a parish to get a road repaired, he is pretty sure to succeed, and he puts a very heavy burthen upon the parish indeed. I think that that is a matter which would be much better put into the hands of a county committee composed of deputies from different highway boards, something in proportion to the importance of the boards, so that a large board might have three or four representatives, and a small board one, and that they might settle what proportions ought to be borne for the repair of the road by the county generally, by the locality or parish or highway board, and by the person especially interested in it. That would be a better plan than the present mode of indictment, which puts a very heavy burthen upon the parish, very often quite disproportionate to the importance of the new road.

2406. Do I understand you by those observations to mean, that you think that in the first instance, before we proceed to elect county boards for the arrangement of the finance generally, we should have county boards for the purpose of looking exclusively to the highways and to indictments?—I think so; but there would be two or three other things that would follow; probably the turnpike roads would follow; and I think

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think it would be quite right that the turnpike roads should be put entirely into the hands of such a board as this. Another thing would be the county bridges; I think they would be very properly committed to such a board, for there is no reason why they should be administered by the magistrates, who are not representatives of the ratepayers; and there may be other things too. The general audit which is made out on the part of the county, I think might very well be administered by the ratepayers; but when it comes to a matter about the police or the gaols, where it may be a question what ought to be done, of which the responsibility lies with the magistrates, I should shrink at present from giving that over to other persons. Supposing we had to consider whether we should arm our police with cutlasses, or whether we should increase their number, I should like that to be in the hands of the chairman of quarter sessions, and the committee who would act with him, rather than in the hands of a committee chosen I do not exactly know how.

2407. Are there any other items that you could mention, besides the police?—I think the matters relating to coroners might be very well added to the financial boards.

2408. Would you exclude the gaols?—I think so, at present, until we see how the new boards work. My impression is that the new boards would work well; and we might, perphaps, give them powers afterwards, larger than at first, but I should shrink from doing it at first.

2409. With regard to the lunatic asylums, what should you say?—With regard to lunatic asylums, I should have no sort of doubt at having some of the principal farmers upon the committee if it was thought fit. We go on very well as we are, but if the principal farmers were put on committees, such as I have acted with, on sewers meetings and so forth, I have every confidence that we should act harmoniously upon the asylum committee, or upon any other county committee in which they took part.

2410. Then you have no other objections to county financial boards than that they are not the fittest judges of the duties of the magistrates, and of the mode of keeping the peace of the county?—I doubt about that at present; I think that, possibly, my doubts might be removed hereafter; I should like to see the thing begun in a tentative way, rather than by launching it all at once.

2411. Do you agree with Sir William Miles, that so far as your county is concerned, the members of the board elected by the boards of guardians, would work harmoniously with an equal number of magistrates?—I think so, but I should myself prefer that the whole body should be elected by the highway boards. I think they are better elective boards upon the whole than boards of guardians. They are conterminous with the county, which boards of guardians are not. Besides our 18 boards of guardians, there are parts of various unions of which the larger parts are in other counties, and there would be a difficulty in getting their representatives to work with the others. The highway board is conterminous with the county, and is rather, upon the whole, I think, a better constituency.

2412. Is the whole of Somersetshire under the highway board?—Yes, the whole of it.

2413. How would you suggest that it should be carried out in counties where only a small portion is under a highway board?—I thi the magistrates might divide the county for t purpose in a similar way, as they have divid it for highway boards.

2414. Into electoral districts you mean?—Y into electoral districts.

2415. I do not quite understand why y prefer the mode of election by highway boar to election by boards of guardians?—There a several places, and some of them are importa that are not in the county. The poor-la unions are not conterminous with the county.

2416. Is it not the case, that it requires man of a different character sometimes to manag the highways, from a man who would be calle upon to administer the finances of the county —They are administering the finances of th highways, in fact. That is the only purpose fo which we meet, to administer the finance of th highways, because all the details are managed b the surveyor.

2417. Surely the duties of a board of guar dians are more assimilated to those of magistrate than those of a highway board?—I do not se that; I should rather have said no; I think ou highway boards are more likely bodies to sen good representatives than the poor-law boards upon the whole, as far as there is any differenc between them. To a great extent their members are members of boards of guardians. There are some places exempted from the highway boards in every county which would need to be added to them for this purpose.

2418. Mr. *Wyld.*] Is it really the fact that the gaol accommodation is considerably in excess in the county of Somerset?—It is; and perhaps you will allow me to state the reason why; when the gaol accommodation was increased, it was before a large number of persons accused of crimes were tried at petty sessions, and we expected that we should want all the cells, and we conceived that we should be obliged to have them.

2419. When the report of the committee of the lunatic asylum is presented to the quarter sessions, it is never refused, is it?—We have never had anything to ask for, except this grant that I spoke about, and a grant of land once or twice before; we have hardly had anything to go to them about.

2420. The custom is generally to adopt the report of the committee without objection, is it not?—The report has generally been with regard to the state of the asylum, that has been all, and of course it would be ungracious not to receive it.

2421. £. 2,500 was voted for the chapel, which has been mentioned; it was not a question of its being an improper expenditure, but the question was that it was quoted without previous notice on the agenda; was there a notice on the agenda? —There was no notice; but as Sir William Miles explained, when a matter comes from a committee there is no need of notice, or, at least, there was not; now it is altered, I think; but at that time there was no need of notice.

2422. Then it is the fact that 2,500 *l.* was voted without any previous notice?—Yes.

2423. In your opinion the county financial board might be entrusted with the administration of the turnpikes, the county bridges, and the coroners?—Yes, I think so, certainly.

2424. And also the lunatic asylum?—I have no objection to it; but that stands on a different footing altogether. You would require to alter the

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ie Acts of Parliament pretty largely to do it, I iink; but I have no objection to it personally; aving been a member of the committee from ie beginning, and chairman for some 10 years, have no objection.

2425. Then you are in favour of the principle, a certain extent?—Yes.

2426. And you disagree with Sir William liles, that amongst boards of guardians fit and roper persons could not be found to represent ie ratepayers in county financial boards?—I n sure there could be fit and proper persons und.

2427. Mr. *Neville-Grenville.*] Mr. Eagles, the her day, in his evidence before us, rather left s to infer that the superintendent, Dr. Boyd, as pensioned at a premature age; he stated iat his age was not much over 50, do you know hat his age is?—His age is 59.

2428. In the 16th and 17th pages of the last eport of the Somersetshire Lunatic Asylum, ou give an account of the powers which you ive made use of "to form a building fund out the extra charge made for patients sent from aces which did not contribute to the building of e asylum;" and you state, "In all, about 8,600 *l.* ive been received, and nearly the same sum pended since the house was opened in March 348." That is the case, is it?—It is not so, iite; up to the end of 1862, 7,826 *l.*, I believe, d been expended, and since then 5,561 *l.*, aking in all 13,388 *l.*

2429. It seems that you have not had to come oon the county rate, at all events?—No. We ve the power of coming upon the county rate r 400 *l.* a year for improvements, and as uch as may be wanted for repairs; but we d never done it until this last year when e came for 400 *l.* for improvements. We have d certain purchases of land made. I think mentioned some time back that it was someing like 3,000 *l.* or 4,000 *l.* since the asylum as opened, but that is all that we have come upon e county for.

2430. Mr. *Kendall.*] Did I rightly gather om you just now that you had accomplished the crease of accommodation for 100 *l.* a patient, at is to say for 2,500 *l.*?—I conceive so. I can ve the figures more particularly, if desired.

2431. It was not done by erecting an entirely w building?—No, it was by making a distinct commodation in the roof.

2432. Sir *William Gallwey.*] Can you tell me iat was the exact sum paid for land, and e exact sum paid for buildings, with regard to e constabulary building that was erected in lastonbury?—I do not think I can; I do not ink that our accounts show that distinctly. We ught houses and built houses for the different nstabulary stations, and the whole thing was omiscuous.

2433. Do the constabulary live there now, or y portion of them?—The constabulary live in e accommodation which we found for them, and ey pay rent.

2434. Do you mean in the accommodation, or the land which was originally found too unalthy for accommodating the chief constable? Where the chief constable's house was, we also ilt a barrack for the head quarters of the conbulary.

2345. Is that occupied by the constabulary?— s, it is occupied still.

2436. If it is healthy enough for them why was it not healthy enough for the chief constable?—He thought it unhealthy, and I did not like to make him live in a house where his children could not live healthily. Though we might have thought that it was not so, and that it was only fancy, I should be strongly in favour of giving him a house where he could live comfortably.

2437. It does seem very astonishing, and very invidious, that you should leave the constabulary in a position which you did not think healthy enough to place your chief constable in?—When the floors were taken up in his house, we found pools underneath, and it does not follow that on the other side, 50 or 60 or 100 yards off, there was any unhealthiness there. Then, again, the barracks were new, and the house was an old one, which I think makes a great deal of difference; the drain of the town came close down by the house, and infected the lower part of it.

2438. Then the new house is not so unhealthy as the old house was?—The new house is not unhealthy at all; it is on a higher site, and in a better place.

2439. Lord *Henley.*] Can you tell from the balance sheet what the whole amount of the building expenses of the lunatic asylums are?—I think about 52,000 *l.* was the total cost of the building at first. You may add to that that we have spent also 3,156 *l.* on land purchased for the asylum.

2440. It is about the building alone that I wish to know, compared with the number of persons whom it contains; could you give me any information upon that?—We have now 539 patients in the house, and room, I think, for about eight others. We have accommodation in the roof, nearly half finished, for 60 more; we shall have 60 more on the other side, and we have a new wing nearly finished for 60 besides.

2441. Have you estimated the amount of that building per head; how much you could accommodate them for?—I cannot do that exactly.

2442. That would come to something like 100 *l.* a patient, would it not?—Dr. Boyd makes it about 100 *l.* I am not quite sure whether he is right.

2443. The county is bound, is it not, under the present law, to find lodging for pauper lunatics, and the parish to pay for their maintenance?—Yes; I have always been afraid of having them too full, and that we should be obliged to refuse accommodation; but we have always been able to accommodate all that have been sent to us hitherto.

2444. Do you draw the amounts for their maintenance out of the poor rates?—Yes, from the poor rates practically; but the charge is made for all the paupers in each union upon the whole common fund of the union.

2445. And you have out county patients, the larger payment for whom assists you in maintaining your establishment?—Yes.

2446. Do you make a profit out of them?—Yes, we do make a profit out of them.

2447. Is there no objection to that on the part of the Secretary of State?—No.

2448. Mr. *Read.*] You will not be likely, I should think, to increase your rate in the pound, as you have put a quarter of a million upon the assessment of the county?—My impression is that some of the richer parishes are not rated high enough now; I differed a little from Sir William Miles when I acted on the County Rate Assessment Committee; I think that in some respects we

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we did not put them high enough, and that some parishes would bear a higher rate of charge.

2449. I am referring to your statement that the county rate was rather diminishing?—I did not say so, I think.

2450. I thought you said that the rate was not so high as it was last year?—No, I said that the charge made upon the county rates was higher this year than it had been for a long while; at least, that is what I meant to convey to the Committee.

2451. What is the cost of maintenance per head in the lunatic asylum?—Eight shillings and nine pence I think it is; we charge 3½ *d.* a day more for boroughs than for the county, that is to say, for Bath and Bridgewater; and I think it is 5 *d.* a day more for out county patients.

2452. I see you charge 9 *s.* 7 *d.* for the county boroughs which contribute to the asylum?—No; we charge the county boroughs, which have contributed to the building of the asylum, the same as the unions in the county. With regard to the boroughs, Bath and Bridgewater, which have not contributed to the building of the asylum, the charge for them is 10 *s.* 9½ *d.*

2453. From the other boroughs you receive for the pauper patients 14 *s.* a week?—For the other county boroughs the charge is 10 *s.* 9½ *d.*; for out county patients, 11 *s.* 8 *d.* We also have about 14 patients who are not paupers, and for those we charge, I think, about 12 *s.*; I very much wish to increase the number of those who are not paupers. There are vari persons a little above the rank of paupers whom it is a very great benefit to be able to sent to the county asylum rather than to a priv asylum.

2454. With regard to your cattle plague penditure, you had no farmers associated w you on the county finance committee of cattle plague?—No, but we had upon the lo committees.

2455. Still they had nothing, I suppose, to with auditing the expenses of the whole count —No.

2456. I find that whereas we in Norfolk not allow the clerks one sixpence for prepari those licenses, you in the county of Somers allowed something like 3,400 *l.*?—Yes; I thi it is a great deal too much.

2457. When you buy land for your asylum, you buy it all at once, or do you borrow mon for the purpose of paying it?—We borrow mon for the first cost of the asylum, but everythi else has been done by money spent at the tim excepting building our lockups and constabula places; we borrowed money for that; but othe wise we have spent everything out of income.

2458. Do you send this very elaborate repo upon your lunatic asylum to the different boar of guardians?—Yes, I think so.

2459. In the same way as you do the count expenditure?—Yes.

Tuesday, 23*rd June* 1868.

MEMBERS PRESENT:

Lord Edward Cavendish.	Mr. Kavanagh.
Mr. Dent.	Mr. Kendall.
Admiral Duncombe.	Mr. Neville-Grenville.
Sir William Gallwey.	Colonel Wilson Patten.
Mr. Heneage.	Mr. Read.
Lord Henley.	Mr. Scourfield.
Mr. Henniker-Major.	Mr. Wyld.
Mr. Hibbert.	

COLONEL WILSON PATTEN, IN THE CHAIR.

EDWIN PATCHITT, Esq., called in; and Examined.

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460. *Chairman.*] Do you fill any public situ- n in the county of Nottingham? — I am nty treasurer, and clerk to the Nottingham ision of the county magistrates.

461. How long have you held those situa- s?—I have held the situation of clerk to the nty magistrates something like 20 years. I e been in the treasurer's office, and connected h the treasurer for 40 years, and I have been actual treasurer for several years past.

462. Will you have the kindness to explain the Committee how the financial affairs of county of Nottingham are managed?—I am sole treasurer of the county. There is a nce committee, elected of one or more ma- rates from different petty sessional divisions he county. No expenditure upon the county llowed to be incurred, except by the par- lar officer under whose jurisdiction the work be done falls. For instance, a bill of the l must be by the gaoler, and a bill for the enses of the bridges, by the proper bridge ector, and so on.

463. Are those accounts submitted to the nce committee, merely for audit, or for the nce committee, to express their opinion on them?—A standing order of the county is, t all accounts shall be sent in once a quarter. the end of the quarter, before the quarter sions, every bill of expenditure incurred ing the quarter, is sent to me. Before the is sent to me as the treasurer, it has been mitted to the proper officer, within whose isdiction the work to be done has been per- med. For instance, the gaol bills are laid be- e the visiting justices of the gaol, the police s before the chief constable, the bridge bills ore the inspector of bridges, the lunatic asy- n bills before the chairman of the asylum, and fact every bill is vouched by a responsible son, for the due performance of the work.

2464. Can you inform the Committee whether of those committees to which you have just ded, the gaols and the lunatic asylums, have control over the expenditure before it is incurred, or do they authorise expenditure of various sorts connected with their departments?—They authorise the ordinary expenditure, but not anything extraordinary; in the latter case those different bodies report to the magistrates as a whole, and there is an order of the sessions upon it; after the bills, as I have stated before, have been submitted to the different officers, they are sent to me some few days before the finance committee meets, and it is my duty to examine all those bills, and ascertain if the subject matter of them is legally chargeable to the county, or if there appears anything out of the ordinary mode; it is then my duty to submit all those bills with my observations upon them to the finance committee; the finance committee before the sessions, then meet upon a day named, and the finance committee first examine all the bills which have been paid during the past quarter, and then examine all the bills which are presented for payment to me; and if upon that examination there appears nothing objectionable upon the face of the bill, the finance committee mark it as examined by them, and place it upon the list for subsequent allowance by the court of quarter sessions; if objectionable, the bill is referred to the sessions to decide.

2465. Are those committees to which you have just alluded, invariably composed exclusively of magistrates?—Entirely; then if you will allow me to conclude what I was saying at the court of quarter sessions, the bills that are passed by the finance committee are publicly read in open court by the clerk of the peace, in the presence of the public and of the reporters, each bill *seriatim*, the name of the party, the amount owing, and the subject matter of the bill; and if any magistrate objects to the amount, or to the items in the bill, a discussion is taken upon it, and the order of the court is final.

2466. Do you know the number of magistrates in the county of Nottingham?—About 80.

2467. What should you say was the average attendance of those magistrates at quarter sessions, when those accounts are produced?—It

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varies from five or six, or seven to 15 or 16 or more, according to the interest in the subject matter. I might state that Nottingham is divided into two divisions, the north division and the south division. The magistrates at the north division very rarely attend the sessions at Nottingham, because they have their own sesssions in the northern part of the county, at East Retford. But I may state that until within a few years past, the financial account of the county also was divided into those two divisions. The expenditure of the north division of the county amounted only to 700 *l.* or 800 *l.* and the expenditure of the south division amounted to as many thousands, 7,000 *l.* or 8,000 *l.* It is now all in one account.

2468. Have you brought a statement of your county accounts with you?—Yes; I should like to state that all those preliminaries are gone through before any bill is paid; after the bills are paid the finance committee again assemble at the end of the quarter, and I then produce to them a list of the bills allowed by the sessions, and the receipts for each bill that I have paid, and my banking book, to show that the funds in the bank equal the monies belonging to the county, and that I have paid all the bills that I ought to have paid, and have not paid any others. I should like further to state that, at the end of the year, the whole of my accounts, with all my vouchers, are submitted to the clerk of the peace; the clerk of the peace then goes through the whole of the year's accounts, and makes any notes that may occur to him as to the impropriety or illegality of any charge, if such there be, and as to the amount. The finance committee, at that time, is summoned to Newark, in the centre of the county, at which the northern magistrates make a point of attending; the whole of the accounts are then submitted to that special meeting of the finance committee, and the committee prepare a report as to the finances of the county during the past year. A special general sessions is then called some few days afterwards, of the whole of the magistrates of the county, to whom the whole of the accounts for the year are submitted, together with the report of the special finance committee upon the accounts. At the quarterly meeting to which I have just alluded, every sort of public business, prosecutions and appeals, are taken on the Monday and Tuesday, and the Wednesday is entirely devoted to financial and special matters relating to the county.

2469. About what proportion of the magistrates attend that meeting?—From 5 to 17, as I have stated. At the general meeting, once a year at Newark, 20, 30, or 40 magistrates attend. Of course I need not say that the number varies according to the interest of the subject; there may be fewer or more. These are the accounts for the year (*producing the same*). You will observe that that account is printed after the general meeting to which I have alluded at Newark, and a copy of that is distributed to every acting magistrate, and to the officials of the county, and we are not very particular in supplying a copy as a matter of courtesy to any person who requires it.

2470. In those accounts do you give the salaries of all the public officers of the county separately?—Not in detail, because you will observe that, under the head of county salaries, at page 8, the salaries are given distinct from the
items of expenditure.

2471. I see you put the salaries of the
at 682 *l.*; but you do not give the exact sala
—Not in this account; but the exact sa
have been before the finance committee, and
fore the visiting justices, in this shape (*prod*
another paper). The committee will obs
there that the salary of each officer is en
separately, and you will observe that that b
signed by the visiting justices.

2472. This is for the quarter?—Yes.

2473. Then I see you give your gaoler 2
a year?—Yes.

2474. You give your chaplain, I observe, 1
a year?—Yes.

2475. And you give your surgeon 80 *l.* a y
—Yes.

2476. To your principal warder, I see
you give 72 *l.* a year?—Yes.

2477. Are the duties of the chaplain enti
confined to the gaol?—No; he is at libert
take other clerical duty. In fact, we once
a chaplain to the gaol who was also master of
Grammar School.

2478. Do you happen to know what is
average number of prisoners confined in the ga
I should not like to answer that; I could
state it with accuracy; it is not a very la
number.

2479. Has the gaoler a house, and coals
candles besides his salary?—Yes.

2480. Has the chaplain?—No.

2481. Nor the surgeon?—No.

2482. The matron has, I presume?—T
matron is the wife of the governor.

2483. Then I suppose all the warders are
the gaol?—Yes, lodgings are found for them
the gaol.

2484. Have you a lunatic asylum in t
county?—Yes; you will find that at page 17
the accounts which I have handed in.

2485. I observe here, that you do not give t
salary of the superintendent?—No; it is a joi
asylum for the county of Nottingham and t
the borough, being under the joint manageme
of the justices visiting from the county and fro
the borough. Those visitors make out the b
and send in the bill under the hand of the cha
man, as I have just stated, to the finance com
mittee without much detail.

2486. Mr. *Scourfield.*] Is not Nottingham
county of itself?—Yes, it is the county of th
town of Nottingham and also a borough.

2487. *Chairman.*] With regard to salarie
what is the salary of the clerk of the peace?—
He is not paid by salary; his bills this year we
720 *l.* 2 *s.* 8 *d.*, that includes all his business.

2488. I observe that the clerk is not paid by
fixed salary?—No, by work done; and of cour
its amount varies.

2489. Do you know how his payment has bee
regulated, has it been done by the financ
committee?—Yes, entirely; the clerk of th
peace submits a bill in detail of the work don
by him in the past quarter to the finance com
mittee.

2490. The whole of his income for this yea
1867, appears to be 720 *l.* 2 *s.* 8 *d.*?—Yes; excep
certain fees which he is entitled to under th
orders of the Treasury for the prosecution o
felons. You will observe, that upon pages 1
and 11, at the end of each session there is a sma

su

for the clerk of the peace, which is for the
upon indictments; it is a different sum at
rent sessions, according to the number of
oners.

491. Amounting to about 50 *l.* a year, to be
d to the 720 *l.*?—Yes.

492. About 770 *l.* would be the income for
year?—Yes; charged to the county.

493. Have you a bridge-master?—No.

494. Have you a surveyor of bridges?—No;
police superintendent of each district is
ointed the bridge inspector for his particular
rict.

495. Where are the inspector's accounts?—
will find the whole of the charges for
ges beginning at page 18 and concluding at
e 20. The whole cost of the bridges for the
, was 172 *l.* 15 *s.* 8 *d.*

496. How are the inspectors appointed?—
y are the police superintendents.

497. Do they look to the bridges and do
order the repairs of the bridges?—They
r the ordinary repairs; for instance, if they
e to see the coping off a bridge, or if they
e to see a hole in it they would order it to
repaired, but if a bridge requires any great
ir, before they order it they make a report
he magistrates of the particular petty ses-
al division for which they act, and the magis-
es of that particular sessional division inspect
bridge and give a written order as to what
l be done. You will observe in page 20,
e is a sum of 35 *l.* charged for the place called
bers Mill Bridge. That is a case to which
alluding, and there the magistrates of the
sion found it proper to expend that sum and
voted it and gave a written order for it.
ere you see the other sums of 10 *s.* and so
h, it is the ordinary expenditure, frequently
ntract of 1 *l.* a quarter for keeping the roads
the bridge in repair.

498. How is this amount distributed in the
nty?—It is given to each acting magistrate,
to each official of the county; and, as I have
re said, we are not very particular; any
son who applies for one we give him one.

499. You do not distribute it to the boards of
rdians of the county?—No, the accounts sent
he boards of guardians is the one which is
cted by the statute (*handing the account to the
nmittee*), and you will see on the other side
items and details of the expenditure.

500. Do you publish this account in the
nty papers?—Not the detailed account, but
statutory account.

501. The one account is to be found in the
tracts of the accounts of the several county
asurers in England and Wales for the year
ing Michaelmas 1867, in pursuance of the
t 15 & 16 Vict., c. 81, s. 59, and a copy of
t, as applicable to the county of Nottingham,
submitted to every board of guardians in the
nty, according to the Act of Parliament?—
s.

2502. And the detailed account is signed by
as treasurer?—Yes.

2503. The detailed account is not sent to the
rd of guardians?—Just so.

2504. Do you know whether, in the county of
ttingham, there has been any desire expressed
the part of the ratepayers for a further repre-
tation with regard to the accounts?—I have
rd a desire expressed.

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2505. In what way has it been expressed?—That they should be glad to ascertain if any more economical mode of distribution of the county funds could not be originated and carried into effect.

2506. I mean, has it been expressed by public meetings?—No, merely by private conversation very frequently at boards of guardians, and repeated by the clerks of the guardians to myself.

2507. Do you think that it is a prevalent wish?—I think that there are as many on the other side as there are for it, and I have asked many of those with whom I have conversed whether they really understood that which they were asking for, or whether they were not asking for want of information upon the subject, and a want of knowledge as to the expenditure, and perhaps I may be permitted to say that sometimes, upon that explanation, there have been some difficulties suggested as to the practicable mode of carrying it out.

2508. Is it your opinion that that desire has arisen from want of information rather than from dissatisfaction with any particular item of expenditure?—I believe it has; and I believe that when an explanation has been given, generally it has been satisfactory; I may also state, with your leave, that I think it has sometimes arisen from a misapprehension as to what really was the expenditure of the county, and in what way it could be regulated by other bodies than at present; for instance, I have asked them, "Would you like to come in and control the gaols?" and the answer has been "No; we think that the gaols should be under the control of the magistrates." I have said, "Would you like to control the cost of criminal prosecutions, because," I said, "that is fixed by statute?" and the answer has been "No, we are aware that that rests by law with the magistrates, and with the clerk of assize and the clerk of the peace."

2509. Have you ever heard any complaint made with regard to the amount of salaries?—Never. I have heard it said (although it is rather invidious to say so) that the chief constable has a large salary, and I have heard the contrary said, but of course that is a matter of opinion.

2510. What is the salary of the chief constable?—£. 350 a year, and 150 *l.* for horses and travelling expenses.

2511. Has he no allowance for a house?—No.

2512. Is there any allowance for travelling expenses?—No, that is included in the 150 *l.*

2513. The 150 *l.* covers travelling expenses and horses?—Yes.

2514. How many constables has he under him?—One hundred and thirty, and himself, making 131.

2515. Does he superintend the whole county, or only the Nottingham end of it?—The whole of the county, and also the borough of Retford. I will hand in the details (*handing in the same*).

2516. By this it appears that the chief constable has 500 *l.* a year; the superintendents 164 *l.*, 136 *l.*, 127 *l.*, 118 *l.*, according to their rank; the inspectors, 100 *l.*, 94 *l.*, 88 *l.*, and the sergeants 28 *s.*, 27 *s.*, and 26 *s.* per week?—Yes.

2517. Are your constables provided for over and above their salaries with a house?—No.

2518. Do

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2518. Do they find their own houses?—Yes.

2519. Will you be kind enough to give to the Committee any information in your power with regard to the finances of the town of the county of Nottingham; how are they managed?—I have been mayor of the borough of Nottingham twice. I am now chairman of the finance committee of the borough of Nottingham, and I am a member of the town council; therefore I can give the Committee any information they desire.

2520. We will take the borough of which you were mayor; will you state how the finances of that borough are managed?—Nottingham possesses two estates of its own, independently of the borough rate: one called the Chamber Estate and the other called the Bridge Estate. The proceeds of the Chamber Estate are applicable in common with the borough fund. You are probably aware that, in addition to the borough rate, there are in boroughs, under the Local Government Act and the Sanitary Acts, powers to levy a district rate; and therefore we have several accounts running together in Nottingham; in fact, it is difficult to give them in detail, unless one knows the particular information required. I am almost afraid of presenting the Committee with the accounts of the borough; as printed they appear very complicated until understood.

2521. How is the expenditure controlled; is it by committees?—The council at its annual meeting in November appoints some seven or eight committees—the watch committee, the Chamber committee, the Bridge committee, the highway committee, the improvement committee, the enclosure committee, the sanitary committee, the baths and washhouses committee, the market and fairs committee, the race committee, and the Parliamentary Bills committee, and other committees, and each committee makes its own expenditure.

2522. The finances are managed in the town of Nottingham by committees?—Yes.

2523. Can you state what the rates are in the pound in the town of Nottingham?—No, I cannot do that; I am afraid that my answer would scarcely give the Committee the information that they require, because in the borough of Nottingham the expenditure is supplemented by the Chamber Estate. I may state that, in addition to the ordinary borough rate and the Chamber Estate, there is also the district rate, which embraces the repairs of the highway and the sanitary and other matters, and amounts to 2 *s.* 1 *d.* in the pound; beyond that, the borough rate, upon the average, would be something like 8,000 *l.* to 10,000 *l.* a year.

2524. What is the population of Nottingham?—At this moment it is from 75,000 to 80,000.

2525. Do you recollect what the amount of property rated is?—About 202,000 *l.* or 203,000 *l.*

2526. Do you recollect what is the amount of property rated in the county?—Up to a few months ago it was 860,000 *l.* rated to the county rate, and by the present new valuation that has come into operation within the last six months, it is 1,096,000 *l.*

2527. I see that the county rate in Nottingham here is 4 *d.* in the pound?—Yes.

2528. And that is on 860,000 *l.*?—Yes.

2529. Can you state whether the rate has increased or decreased, or been stationary during the last 10 years?—That is about the average.

2530. There has been no great increas No.

2531. Do you know what it will be unde new assessment?—Something approaching figure. I do not think there will be ı difference.

2532. Is there any dissatisfaction express the town of Nottingham with regard to borough expenditure?—Yes, there have constant complaints that the town council expending too much money.

2533. Has that been expressed by a p meeting in any other way?—Generally by respondence in the public newspapers; an has originated in a great measure, probably the very extensive improvements in the for tion of better thoroughfares in the town, an better sanitary arrangements.

2534. You think that those are the pc which are most complained of?—Those are pc which have caused the greatest expense, there is great difference of opinion as to necessity of some of the new streets.

2535. Has there been any complaint as gards salaries?—No. It is suggested that s few of our corporation officers are overpaid, not as a general complaint.

2536. Should you say that there are n complaints in the borough of Nottingham v regard to the representation of the borough, t there are in the county with regard to the cou expenditure?—Certainly, I believe so.

2537. The borough accounts are, according Act of Parliament, circulated through the to You must publish the borough accounts in newspapers, must you not?—Yes, there i simple abstract, not in detail, published in newspaper.

2538. Do the authorities of the borough t any other means than by a simple abstract to the ratepayers know how their money is pended?—Not in detail very much. A simi practice has prevailed for many years in borough as in the county. Each particular co mittee, manages its own particular estate, a before the meeting of the quarterly town coun it calls for all the bills affecting this particu committee, and it passes those bills to the sat faction of that committee. Each committee rects its own expenditure, calls in its own bi before the end of the quarter, and passes th bills before its own committee, and the chairm of each committee signs the bills; and, wh all the committees have got in all their bills, t chairmen of each committee then constitute finance committee. That finance committee pr pares a report, embodying the heads of the e penditure of all the committees, and submits in a printed form, to the members of the coun some days before the council meeting is hel At the council meeting that report of the co mittee is presented to the council, and is eith adopted or objected to, as may be felt desirab (*handing in the account to the Committee*).

2539. Is there no more detailed account th this?—There are books with all the details la before the council, and then, at the end of t year, a detailed account, such as I have just la before you in a little book, is published and c culated amongst the members of the council a amongst the officials of the town, and any pers

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o applies for a copy will have a copy given n.

2540. Any ratepayer can obtain a copy of se accounts if he wishes to do so?—Yes; by courtesy of the town clerk or the accountant.

2541. Have the public any legal power of pecting the accounts?—I am not aware that y have, only by courtesy. I have never own such power exercised.

2542. Has it ever been denied to them?—I not aware that it ever has.

2543. Admiral *Duncombe.*] From the very nmencement of the establishment of the rural lice in the county of Nottingham, it has been ry unpopular, has it not?—Yes; by the blic.

2544. And that in some manner may account the dissatisfaction with the chief constable's ary?—I do not believe that the dissatisfaction th the chief constable's salary is general; far m it. I believe that it is felt that the salary moderate as compared generally with other rts of the kingdom. I was only asked if I had ard of dissatisfaction existing; I have only ard of it to a very limited degree; it was rather t that, as a general principle, it was not an orbitant salary.

2545. But that dissatisfaction applies more to chief constable's salary, than to other salaries the county?—Yes.

2546. In addition to the 500 *l.* which you have ted his salary and allowances amount to, you by the accounts that the chief constable has er-centage on the salaries; what is meant by at?—That is a mere name to identify an ount that is deducted from the salaries and rried to the superannuation fund; you will serve that that is under the head of superannua- n fund, and it is deducted from the salaries yable by the constables to provide a superanua- n fund.

2547. Do those sums payable under that head, to the superanuation fund?—Yes.

2548. From which the chief constable derives benefit whatever?—Not the slighest.

2549. Mr. *Wyld.*] I understand you to state at there has been a very considerable desire pressed in the county of Nottingham for con- ol by the ratepayers over the county finances? -No; I should not like to say that there has en a considerable desire; there have been quiries made of me from time to time by the erks of boards of guardians, to be furnished ith particulars; but I am not aware that it has ver assumed a general aspect of inquiry.

2550. Have you not heard a wish expressed n the part of the ratepayers, that they should e represented in the expenditure of the county ates?—Yes, I have so heard that; more espe- ially at the time of the cattle plague.

2551. Has there not been considerable corre- pondence in some of the journals upon this sub- ect, in the county of Nottingham?—No, not as egards the county; there have been letters ccasionally, but not to any considerable ex- ent.

2552. Does not the feeling exist in the county f Nottingham, that although the finances are vell administered by the magistrates, yet that the atepayers should have some representation with egard to their expenditure?—Undoubtedly, I ave heard such a feeling expressed.

2553. You have been asked a question with respect to the town of Nottingham, and you stated that the dissatisfaction expressed there, is with respect to the improvements?—Chiefly; but also with the general expenditure of the town.

2554. Does not that feeling arise from some little local jealousy, because improvements are made in one part of the town which some people think ought to be made in others?—No, not at all. The improvements have been extended throughout all parts of the town.

2555. From what does the general dissatisfaction arise?—From the amount of expenditure. We are now considerably upwards of 100,000 *l.* in debt in the borough.

2556. The borough of Nottingham takes in a considerable population out of the county of Nottingham, does it not?—No, it is totally distinct from the county.

2557. Do you know the proportion of the population of the county of Nottingham, as compared with the town?—The population of Nottingham proper, at this moment, is from 75,000 to 80,000. I do not remember the population of the county, but they are totally distinct.

2558. I understand that one day in the quarter is devoted to the inspection of those accounts?—Yes; by the finance committee of the county.

2559. How long are they occupied in the inspection of those accounts?—It entirely depends upon the accounts which come before them. If the various officers that are responsible for every bill report to the finance committee that there is no bill but what is an ordinary one, a very short time, perhaps an hour, or a couple of hours, may be sufficient; but if, on the contrary, there is any large general expenditure involved as long a time as may be necessary is taken to thoroughly examine the subject before the committee.

2560. You are treasurer of the county, would there be any objection on your part, if your accounts were audited by an elected board, instead of by the finance committee; do you conceive that any inconvenience would arise therefrom?—I do not know; the answer to that must depend upon the extent of the authority of the auditor. I apprehend that the accounts are now strictly audited; and if the auditor had authority to go into the accounts and to disallow payments that had been made, it appears to me that there would be very considerable objections; but if the auditor was simply to examine the integrity of the accounts, I see no objection. But certainly, with regard to the prosecution of felons, where the certificate of the committing magistrate, and the allowance by the clerk of assize, is now held conclusive, and, in respect of gaols, coroners and other matters, if the auditor were allowed to re-open the matters, there would be great objection, I think.

2561. At the present moment I understand that the finance committee audit your accounts?—Yes.

2562. Supposing that instead of the finance committee chosen by the magistrates you had a board partially elected by the ratepayers and partially elected by the magistrates, would not that cause an interference with your duties as treasurer?—No, it would not cause an interference with my duties as treasurer, but what inconvenience it might cause with respect to the government of the gaols, the administration of the

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the law, and the preservation of the peace I cannot say.

2563. But it would occasion no inconvenience or interruption of business in the office which you hold?—No; but in the matter of that business it would.

2564. Mr. *Scourfield.*] With regard to the police accounts, I perceive that at page 26 of your account there is a heading contingencies, under which there is a sum of 839 *l.* in two years; what does that refer to?—That refers to the maintenance of prisoners, to extra duties performed by the constables for the conveyance of prisoners, the cost of the different lock-ups, the subsistence of the prisoners, in fact, all the thousand little extras which the police have to perform.

2565. You stated, did you not, that your account was submitted to the clerk of the peace?—Yes.

2566. Does he go through the vouchers?—Yes.

2567. Without any magistrate attending?—Yes, the clerk of the peace receives from me the whole of my vouchers, the bills and account books; he goes through every voucher, and compares and audits it with the receipts that I produce for payment, and he audits the integrity of the accounts, and also the legality of every account, and constantly suggests to the magistrates different observations upon e ffenh r htee accounts that are so presented to him, whd reiet finds it necessary.

2568. Do you consider your office strictly ministerial?—No, it is considered by the magistrates that the responsibility upon me is to be careful not to lay before them any item which I consider objectionable, or where I have any doubts as to the legality of the account or its amount.

2569. If any order were presented to you, you would think it your duty to inquire into the legality of the order; you would not be merely satisfied with the signature?—No, certainly not; I should not pay it until I was satisfied that it was a proper payment to be laid before the committee; I should state that I am not at liberty to make any payment except upon the certificates of the clerk of assize and the clerk of the peace, or until the matter has been before the finance committee of the sessions, and I receive a special order to pay. The Right honourable Chairman has before him the printed form of that sessional order at the back of either of those accounts which I have handed in.

2570. I perceive, with regard to salaries, that your salary is 50 *l.* a-year; are you in the profession of the law?—Yes; it is now 100 *l.*; since I have taken the second division of the county, it has been raised to 100 *l.*

2571. Was there any stipulation as to leaving any balances in your hand?—No; at every quarter sessions the bills presented for payment are considered by the court, the amount necessary to be provided for in the ensuing quarter is estimated for, and the balance in my hands is ascertained by the banking book; that balance and the forthcoming rate together meet the estimated expenses for the ensuing quarter.

2572. Has the balance ever been the other way?—No.

2573. There is no arrangement made that if there is an advance of money by you, a percentage should be paid you?—No.

2574. You spoke of the bridge surveyor;
of his putting on a few coping-stones with
waiting for an order; is there any discretion
sum placed at his disposal?—No.

2575. I suppose he does spend a certain
every year in that way necessarily, does he n
—The Committee will bear in mind that th
are seven bridge surveyors; there are as m
bridge surveyors as there are superintendent
petty sessional divisions; each police super
tendent is the bridge surveyor in his own pe
sessional division; if he wanted to expend a
thing like 5 *l.*, or above that, he would not fee
liberty to expend it without coming to a nei
bouring magistrate.

2576. Is there any clerk of the peace for
town of the county of Nottingham?—Yes; th
is a clerk of the peace for the borough qu
independent of the county; the borough is
utterly independent of the county as one cou
from another.

2577. In fact, it is a county in itself?—It i
borough, but it also happens to be one of the f
places that is a town, and a county of the to
itself.

2578. Mr. *Kavanagh.*] About those bridg
you stated, did you not, that the inspectors
bridges are the police?—Yes.

2579. And they have power to make orde
for small repairs?—Yes.

2580. Do you pay upon those orders?—N
the bill is sent into me, signed by the particul
inspector who gives the order; and if that b
appears to me to be for a bridge which th
county is bound to repair, and that the repair
an ordinary repair, then I put it upon the li
for allowance without observation. That bi
then goes to the finance committee, and they al
if they are satisfied that it is upon a count
bridge and an ordinary repair, pass it. If the
think that the sum is large they require a
explanation from the police inspector why i
was that those repairs were necessary, and, as
have just stated, if there be anything abov
5 *l.* they also require a statement from the ma
gistrate who ordered the repair to be done.

2581. But it is discretionary with the super
intendents of police to issue an order for thos
small repairs?—Yes, for an ordinary repair.

2582. And they judge whether it is necessary?—Yes.

2583. Do not you think that the ratepayer
in the district would be better judges of wha
bridges and roads should be made and repaired
—Would you allow me to answer that by a
answer much more extensive than a simple
reply to your question would be. The account
of the county are divided into some three or fou
large heads; for instance, the prosecution o
felons, the gaols, the coroner, the houses of correction, the lunatic asylums, and the clerk of the
peace. I have a very strong feeling that the
county accounts may be divided into two classes,
one creating a fund for the preservation of the
peace, and the administration of the law, and
the other for mere civil or municipal expenditure,
such as the repairs of bridges, &c. I have a
very strong feeling that whilst the responsibility
of preserving the peace and administering
the law is vested in the magistrates, the
magistrates should have the entire control
of the funds for the administration of the
law and the preservation of the peace. But in
answe

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wer to the honourable Member's question, I
e an equally strong feeling that such an item
he reparation of bridges would be much more
antageously administered, and the work be
ally well done, and with more satisfaction to
public, if the repairs of the bridges were
ed under the control of a body like the
rd of waywardens. I should have great diffi-
ty in drawing a distinction between the re-
of a highway 200 yards from a bridge, and
repair of a highway within 100 yards of it;
I think that the reparation of bridges might
very advantageously put within the power of
board of waywardens. Then, perhaps, the
nmittee will allow me to state that I have
been chairman of the board of guardians of
ttingham for some considerable time, and I
, some years ago, a guardian of Nottingham,
my attention was very much directed
the lunatics; and I have been unable
say why the care of pauper lunatics
an asylum might not equally be en-
sted to a board of guardians as the care of a
e pauper. I cannot draw the distinction very
ch to my own satisfaction why a sane pauper
uld be looked after by the board of guardians
an insane pauper simply by the magis-
es. Perhaps it is hardly worth while to de-
the Committee upon this point, but one can
erstand that in years gone past, before unions
e established, and lunatics required more
king after, that at that time the magistrates
ned a preferable body; but I cannot see the
htest reason at this moment why the bridges
the lunatic asylums should not be placed
er the care of the body that I have men-
ed.

584. I gather from your answer that the sum
our evidence is, that in your opinion similar
ds of expenditure could with advantage be
ed under a board formed partially of rate-
ers and partially of magistrates?—I am not
ll prepared to say that it might not be very
antageous for such matters to be entirely
en from the magistrates, and placed in the
ds of the bodies to whom I have alluded;
not for making a mixed board, with the magis-
es in the administration of justice or the pre-
vation of the peace.

585. I observe in your accounts a sum of
39 *l.* for the enlargement of your gaol; that
done, I suppose, by order of the Govern-
nt?—That was an order by the inspector of
sons for the enlargement of our House of
rrection very recently, in order to meet the
uirements of the Act of Parliament.

2586. Did it appear to you that that order was
lly necessary?—The inspector of prisons re-
ted that it was, and therefore I scarcely feel
self at liberty to express an opinion.

2587. I mean from your own knowledge did
u think that it really was necessary?—That
pends upon whether I think that the prisoners
made too much of. I have a strong feeling
t I would prefer rather to be a prisoner than
auper; because I used to see that the one
s very much better taken care of than the
er.

2588. Then it was a compulsory order?—Yes,
had no alternative, and therefore I cannot
ture to form an opinion upon it. I can only
that it was an order made by the Secretary of State, in consequence of the report of the inspector.

2589. Mr. *Kendall.*] Before the general accounts go before the county financial board, I understood from you that the particular accounts with regard to the police, the gaol, and the lunatic asylum, are audited by certain parties?—Yes.

2590. You said just now that the chief constable audited the police accounts; do you mean the chief constable or the police committee?—There is not a police committee, but all bills come before the general finance committee.

2591. I understood from you that the chief constable of police audits the bills, and signs them as correct, and that then they are handed over from him to the general finance committee?—Yes, before they are paid.

2592. Is there any communication at all between the chief constable and that finance committee, or do they take the papers signed by him as quite sufficient?—The chief constable is required to attend the finance committee to give an explanation upon every account and every bill before it is ordered to be paid.

2593. With respect to the county gaol, are the accounts simply gone through by the chairman of the committee, or by the committee as a body?—All the visiting justices are summoned to meet on a certain day to pass the bills of the quarter; after they are passed by them, and before they are paid, they still again come before the finance committee.

2594. With regard to the chief constable's salary, I understand that he has 350 *l.* a year, and another 150 *l.* for a horse and travelling expenses generally; can you tell me whether or not on the railroads throughout the county they give him a free pass, because in some counties they do?—I believe they do not in Nottingham.

2595. You said that you saw no reason why the asylum should not be placed under the boards of guardians, as the poor are at present; do you mean the board of guardians alone, or the board of guardians combined with the magistrates?—I think the board of guardians alone. I think that it might be very conducive to the satisfaction of the county and to the interests of all parties if the magisterial functions were divided from their civil duties.

2596. You would place the asylum entirely under the board of guardians?—I think I would, on the ground which I have stated, that after long experience I cannot draw a distinction between the management of insane paupers and sane paupers, and also bearing in mind that the guardians at present have a considerable control over lunatic paupers. In the union of which I was chairman we had a very large number at times of lunatic paupers, with the consent of the Poor Law Commissioners, maintained in the workhouse.

2597. In fact, you have a lunacy ward?—Yes.

2598. Have you room enough in your lunatic asylum?—Yes; we sent the worst cases to the asylum, and the more manageable ones we kept. That was done on the score of economy in a great measure. We were able to maintain them cheaper in the union than in the asylum.

2599. From your experience, do you think that pauper lunatics, before they are removed, are as well taken care of by the boards of guardians

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guardians in the parish, and watched as carefully as they would be under a regular medical man?—No; I certainly do not think so. At the time when I was chairman, I always had a strong feeling in favour of sending all the lunatics that I possibly could to the asylum, because of the superior discipline of the asylum necessarily consequent upon the skilled medical officer there and the official inspection that they went through.

2600. What are the relative charges in the lunatic asylum and in your workhouse?—I should be afraid to say.

2601. Can you give us a fair guess?—Something considerable; but I should be afraid of saying.

2602. Is it 100 per cent. difference?—No; I should think not.

2603. Would it be 75 per cent.?—Approaching to 50 per cent. probably.

2604. You are adverse to a mixture of the boards of guardians with the magistrates?—Yes; entirely.

2605. You do not like the idea which has been suggested here of having some one who should represent the ratepayers, and that he should mix with the magistrates and visitors to the asylum and the gaol?—I think that the administration of duties connected with the preservation of the peace, and the administration of the law should be beyond popular impression and popular control. Besides, I think that the necessity for the charges and the exercise of the ministerial functions of the magistrates are frequently so pressing at the moment that it would deter the magistrates very much from acting efficiently, if they were to feel that the charges so incurred by them at that moment could afterwards be a matter for disallowance, and be subject to be questioned.

2606. Then you would place the gaol under the magistrates?—Yes, entirely.

2607. Would you place the militia stores under the magistrates?—That is one of the items that I should feel a difficulty in expressing an opinion upon, because I do not see that the militia stores are necessarily within the purview of the magistrates.

2608. Do you think that the ratepayers would be generally better pleased than they are now, if there was this classification between the civil mode of management and the administration of the law and the preservation of the peace?—From all the conversations that I have had with persons who have most objected to the present mode, I believe that such a division would be perfectly satisfactory, because it seems to be generally admitted that those last two objects are paramount for the well-being of society.

2609. How would you class the police?—Under the administration of the law and the preservation of the peace, undoubtedly.

2610. Mr. *Henniker-Major*.] When you say that you would put the management of the police under the magistrates, seeing that generally the greater part of the expenses of the county are connected with the police, do not you think that your suggestion would cause more discontent with the expenditure?—I think not; I think that, if it were felt that such things as I have just alluded to, namely, the bridges, and the lunatic asylum repairs, and so on, and all other little matters, which certainly are not in any way connected with the administration of the law and preservation of the peace were eliminated and
placed under a body of persons who had im
diate connection and control over them, it wo
be perfectly satisfactory.

2611. Then you would place the repair of
bridges and the roads over the bridges entir
in the hands of the highway board, or the s
veyors of the parishes?—I would put them un
the board of way-wardens, and where there w
no way-wardens, I would place them under
surveyor of the particular parish wherever
bridge happened to be.

2612. Would you put the repairs upon
parish rates or the district rates?—It wo
be an element for discussion whether the cou
should pay any sums to be presented to it by t
board, or whether it should be cast upon
parish; if you took the same ground as n
exists, by which the repairs of the bridges
cast upon the public, it would only be fair t
the parish or board should send in its bill to
paid by the county, because bridges are a pub
benefit, and not a mere benefit to the parish.

2613. With regard to the lunatic asylum, y
say that the lunatics would be better attended
in the lunatic asylum than they would in t
union house; supposing that the county luna
asylum were put entirely into the hands of t
boards of guardians in the different unions, h
would you propose that the lunatic asylum shou
be managed?—At present, as you are aware,
is managed simply by the committee of visit
appointed by the magistrates, and in the case
our own asylum, which is very much in point,
a committee of visitors appointed by the coun
magistrates, and a committee appointed by t
town council; and it does so happen that many
those visitors are, in fact, guardians; I can s
no difficulty in that; it would be the board
guardians appointing visitors to the asylum
lieu of the magistrates appointing them.

2614. Then would you put the expense of t
lunatic asylum upon the union rate, and not up
the county rate?—That again is a subject whi
would be entirely a matter of opinion and a
rangement; I see no difficulty in it; if it we
said that the care of an insane pauper is more
public matter of policy than the care of a sa
pauper, and that therefore the public shoul
bear some part of the expense, I can see n
difficulty in the visitors of the asylum being em
powered to send in the bill upon the general co
of the county for the repairs or the maintenanc
of the lunatic asylum. You are aware that no
the maintenance of pauper lunatics is part
upon the particular parish to whom the lunatic
belong, and the county has to bear the cost o
the casual pauper lunatics, whose settlemen
cannot be ascertained, and of the fabric of th
asylum.

2615. Lord *Henley*.] You stated that you woul
divide the county accounts into two divisions
one for the administration of the law, and th
maintenance of the peace; and secondly, th
management of the ordinary affairs of the county
Can you think of anything that would com
under the second head, except lunatic asylum
and bridges?—Forgive me if I said so; I di
not mean to say that I would divide the county
accounts; I said that I would denude the magistrates of all powers in those matters.

2616. Then you would denude them only o
the management of the lunatic asylums and th
bridges, because all the other items appear to b
take

n up by the administration of the law, and maintenance of the peace?—Very much so. county expenditure with regard to pauper tics, I would place, as I have suggested, with guardians; and the bridges I would place the way-wardens; as to the coroners, that n administration of justice which I should et to see taken from the control of the magis- es; and the gaols, the judges' lodgings, the eyance of prisoners, the lockup houses, the ectors of weights and measures, the prosecu- s at assizes and sessions, the reformatories, the police, I think might still be left with magistrates, as measures conducive to the inistration of the law, and the preservation of peace.

617. But you would require a third head, management of the debts of the county, fixed ment of interest, contracts, and sums of that ription?—I do not know what contracts the e Lord refers to.

618. For building gaols and militia stores?— those I think should be under the control of magistrates. They would be expenses in- ed by the magistrates in the prosecution of e particular matters.

619. You said that you thought that the ad- istration of the law should be beyond the rol of the public?—Yes; beyond the inter- nce of the public.

620. Would you remove from the House of mons the power of voting the salaries of the ers employed in the Civil Service?—No; I k that that is scarcely analogous; I am id of suggesting a limitation of the power of House of Commons.

621. Will you tell us a little about your em in the town of Nottingham; the finances the town of Nottingham are managed by town council; is not that so?—Yes.

622. How many town councillors are there Nottingham?—Forty-two councillors, and 14 rmen.

623. How are they elected?—The 42 coun- rs are elected by the ratepayers, and the 14 rmen are elected by the council.

624. Do they elect a limited number annu- ?—Yes.

625. I presume that the whole of the 42 are elected every year?—No; 14 of them, or one- d of the whole number.

626. Do those 14 represent the different ds of the town?—Yes; seven different ds.

627. Are there two elected for each ward?— s.

2628. The constituents are all householders I sume, who have been resident over two rs?—Yes.

2629. Are those elections attended with con- erable expense to the candidates?—That en- ely depends upon the character of the contest.

2630. Supposing one to be carried out as eaply as it could be according to law, would re be much expense involved?—No; merely ominal expense.

2631. Is there much interest displayed at the ction?—Sometimes very great; sometimes any.

2632. I mean a tumultuous interest?—Very, asionally.

2633. Is this interest when it does happen on rsonal or political grounds, or is it on the question as to the expenditure of the rates?—On personal and political grounds.

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2634. Not on financial grounds?—No.

2635. You said that there was a feeling amongst the ratepayers as to the manner in which the rates were expended?—Yes, certainly; there have been various letters in the newspapers complaining of the extravagance of the town council.

2636. You said that there are more complaints of the expenditure in the town than there are in the county; is that because the ratepayers have a share in the management of the rate in the town, and not in the county?—No; I cannot say that it is. I think that it rather is this, as in all other populous places, the people being more concentrated, they have greater opportunities of comparing their observations and expressing them.

2637. Then to return to the mode of election; those 42 town councillors elect 14 aldermen, in what way do they elect them?—At a meeting in public; the aldermen are elected for six years, and one-half go out at the end of three years; the mayor, for the time being, then directs voting papers to be distributed to the councillors present in the hall, and each councillor puts down upon that voting paper the name of the person whom he wishes to elect as alderman.

2638. *Chairman*.] In the manner prescribed by the Municipal Corporation Act?—Yes.

2639. Lord *Henley*.] Is only one alderman elected each year?—No; seven are elected every third year.

2640. Is the finance committee for the town, constituted out of the whole body of the town council?—The finance committee is composed of the chairman of every other committee.

2641. But are the other committees composed of the whole body of the 42 town councillors?—Yes; at the commencement of the municipal year, the council elects different members of its body to form the different committees for the current year.

2642. And are the aldermen *ex officio* members of the committees?—No, they are elected by the Hall; the only *ex officio* member is the mayor, who, by Act of Parliament, is the chairman of the watch committee.

2643. Will you describe the manner in which the mayor is elected in each year?—He is elected by a motion, which is seconded, and a plurality of votes at the first meeting of the council after the elections in November.

2644. Do you think that it would be possible to institute in the county any system analogous to this representation of ratepayers in boroughs?—I do not know that I quite understand the question.

2645. You have described to us a system by which the ratepayers are represented in the expenditure and management of the rate; but in the counties they are in no way represented at all; is not that so?—Yes.

2646. What I want to know is, whether you think that it would be possible, by any system in the counties similar to that in the boroughs, to give the ratepayers something like a voice in the management of the county rates?—It appears to me that it would be a very enormous task to collect the suffrage of every ratepayer in the county, as is done in the borough. I need not say that in

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in large counties it would be an herculean task; something fearful to contemplate.

2647. Do you think that it would be possible to give them a voice, by allowing their representatives to be elected by the board of guardians?—It seems to me that if representatives are to be sent to the financial board in the county, the machinery for so giving them is already in existence, either from the boards of way-wardens or from the boards of guardians.

2648. But in some counties there are no such things as boards of way-wardens, is not that so?—Yes; the Act is not yet generally adopted.

2649. But you think, as a matter of justice and right, that the ratepayers in the county have just as good a right to have a voice in the expenditure of their rates as the ratepayers in the town?—Yes; I have always felt so in the instances to which I have alluded; but in the other matters it is rather to be regretted that they are in the hands of the council, and so much so, in fact, that the council pretty generally accepts the dictum of the magistrates upon those particular questions It is very rarely; indeed I can scarcely call to recollection any instance of discussion arising as to the cost of the preservation of the peace, in the council, because it is felt as a matter of courtesy to the magistrates, and it is also known that the magistrates would, more or less, feel annoyed to hear observations being made upon their acts.

2650. May we not suppose that the same kind of feeling would exist among the county ratepayers as you describe amongst the town ratepayers?—It is possible, but I have always regretted that that power should even exist in the boroughs.

2651. Mr. *Hibbert*.] I thought you said that those committees from the borough of Nottingham take part in the management of the asylum; is that so?—Yes, because the asylum is a joint asylum; two-thirds of it is the property of the county, and one-third the property of the borough.

2652. Is that under a special Act of Parliament?—It is a special arrangement, with the consent of the Lunacy Commissioners, of very old standing; and up to within a few years ago it was also further complicated by a voluntary asylum.

2653. Did the borough contribute one-third to the cost of erecting the building?—Yes, and the cost of the fabric is still maintained in the same proportion; two-thirds by the county and one-third by the borough.

2654. Is not that a very unusual thing?—Very unusual.

2655. The committee are appointed from the town council, I presume, to represent the borough?—Yes.

2656. Are the committee of magistrates appointed by the quarter sessions? – Yes.

2657. Do those committees meet together at the same time?—Yes, at the same time; they form one committee.

2658. Do they act exactly as committees of magistrates act in other asylums?—Precisely.

2659. To whom do they make their report?—They report matters affecting the county to the county sessions, and matters affecting the borough to the town council.

3660. But how can you divide the county from the borough in a building of that kind?—It is the constant practice that a report is m treating both parts as a whole.

2661. What distinction can you have; do have some matters relating to the county, some matters relating to the borough?—No; asylum is one whole. If it were desired to e a new recreation ground, the question woul discussed at the joint committee as to the ne sity or propriety of a new recreation gro being prepared; and assuming that it was mitted, there would be two reports made; report would be made to the county sessions a duplicate report would be made to the t council.

2662. Then after the county justices get report, supposing that it is for such a purpos you have named, it would have to be passe the quarter sessions?—Yes.

2663. And they would pass an order, w they not, with respect to two-thirds of the amo that was required?—Precisely so.

2664. And then the borough would pas order with respect to the other one-third Yes.

2665. Supposing that one or the other fused, would the whole thing fall to the groun —Yes.

2666. Has any such case occurred?—No.

2667. They have always acted harmonious —Yes; of course there have been occasional ferences of opinions among the committees, all those differences have always been reconci before a report of any important discussion been presented. I am not aware that there ever been such an instance as you allude to.

2668. How long has this plan been in ope tion?—To my knowledge for upwards of 30 40 years, and beyond that a considerable time.

2669. What number of magistrates act on t the committee, on behalf of the county?—So 15 or 16 are appointed, I forget the exact nu ber.

2670. What number on behalf of the boroug —Six or eight, I forget which, but it is ab one half of the number of magistrates.

2671. So that the county are always in t majority in point of number?—Yes.

2672. With respect to the police of Nottin ham, the town of Nottingham has its own poli I presume?—Yes, it is entirely distinct fr the county.

2673. Is there any other town in the coun which has their own police?—Retford had i own police, but it has amalgamated with t county police.

2674. Does not the fact of the towns havi their own police, rather militate against t idea of giving the towns a voice in the ma agement of the county police; if they have voice in the management of the expenditure their own police, surely they can have no clai to have a voice in the management of the count police, for which they are not called upon pay?—The borough of Nottingham, has no voi whatever in the county police.

2675. Supposing that the Bill of the Honou able Member for forming county boards to tak the management of the whole county matte were passed, that would give the towns a voi upon matters for which they are not called upo to pay taxation?—I would rather answer that i another way; my experience of the manageme of the police in the borough has always led me t

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et very deeply that the council has the agement of the police. I think the magis- s should have the management.

76. Has the town its own prison?—Yes.

77. Which is kept up at its own expense, I ıme?—Yes.

78. Therefore I understand from your ex- ation that you would think the whole matter t be met by giving the management of the ıms to the boards of guardians and the ma- ment of the bridges to the way-wardens?— and any other item that was a mere civil nditure.

79. Supposing you gave the management of lunatic asylum to the guardians, to whom l they be responsible and report?—I appre- to the Lunacy Commissioners and to the acy Inspectors.

80. I suppose you are aware that now the strates have to report to the quarter sessions to the sessions every year the expenditure, as to everything connected with the whole eir management of the asylum?—Yes.

81. To what body would you make the ls of guardians responsible to report, sup- g they managed the asylum?—The Lunacy missioners.

82. In what way would you give the rate- rs any control over them; would the rate- rs ever get any information?—They would he same as they do now in other matters, in way of the guardians of their district; it ars that the guardians are at present trustees een the public and sane paupers, and by my estion they would merely be trustees be- n the public and the insane paupers.

83. Have you thought of this difficulty, that guardians are only elected for one year, are a body which may perpetually change year to year, and it might be undesirable to the whole management of the asylum to a ging body of that kind?—That would be an undoubtedly, but I apprehend that that d be met by the acknowledged fact that al- gh a considerable portion of the guardians ge, the whole body does not change; there enerally the officers of the guardians, such e union clerk, the asylum superintendent, other officers still in existence.

84. Do not you think it would be better if, ad of giving the entire control to the guar- s, you had a joint body of guardians and strates; you would then have a body, part hich would be permanent, and part of which ld be elective, and probably a changing ?—My answer to that is rather upon the ciple that I should be very glad indeed to the magistrates confined to their magisterial onsibilities; I think that that would add much to their executive power, although I ware there is a strong feeling that magistrates guardians of insane paupers.

85. I suppose you are aware that the ma- ates have the right of attending boards of dians; they are *ex officio* guardians, and efore they have a general control given them *officio* guardians over the whole?—Yes.

86. Would it be wrong to give them the rol over the insane in the same manner?—I ehend that it would still be open for any strate feeling an interest in the matter to d as an *ex officio* guardian, and thereby to in the benefit which the Honourable Member is suggesting. I know the feeling exists that guardians look to economy, magistrates to comfort, in the case of lunatics.

2687. Supposing that the bridges were vested on the plan which you speak of, in the way-wardens, on whom would you call to pay the expenditure; would you have the way-wardens make a demand upon the county magistrates?—If it were thought desirable from public policy that the cost of the repair of bridges should still fall upon the county, I should have sufficient confidence in the board of way-wardens to pay any bill from the county funds which the way-wardens suggested, and presented to the county as being a reasonable sum for the cost incurred in repairing the bridges.

2688. Do not you know that one very great difficulty is to prevent jobbing in the case of the bridges, and that people are very apt to repair bridges, or to rebuild bridges in their own particular localities to suit their own convenience and purposes, and you would have no control over that?—Of course there would be that evil; if it be thought that the board of way-wardens would be subject to it, no doubt it is open to that objection.

2689. But, supposing that there are not way-wardens in many counties, as the Act has not been very generally applied, how would you do in those cases; you would be obliged, would you not, to throw it upon the parishes, so that you would have the parish repairing the bridges, or rebuilding the bridges in their own parish, and calling upon the county magistrates to pay for it?—No doubt it is open to that objection; but I apprehend that the counties would still be guarded by the provisions which still exists, that the bridges so to be built should be built under the direction of the county surveyor, or some other person to be appointed; of course it would require some safeguard of that description in such an instance as you allude to.

2690. You, perhaps, might think that it might meet the difficulty if they were compelled to go before the quarter sessions to obtain their consent for repairs to be done?—I should think that they were a competent authority of themselves. I would prefer carrying out one principle. I think that the hands of the magistrates, in the administration of the county funds and in the performance of their executive duties, would be very much strengthened, and it would be very satisfactory to the country generally if the magistrates' functions were confined to their magisterial duties, and to the funds connected with those duties.

2691. You do not want to take away from the magistrates their power of levying county rates?—Certainly not for county purposes; but there, again, a magistrate would still have great influence in his own particular locality, both with the board of guardians and with the way-wardens; but he would only be there in his character of ratepayer.

2692. If your plan was carried out, and the asylum and the management of the lunatics and the bridges were thrown upon the way-wardens, you would still be obliged to call upon the county to pay the expenses for the asylum buildings, and for the repair of the bridges?—If it were deemed desirable to do so, they would present a bill to the county rate and let it be paid.

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2693. Therefore you think that in levying the rate you would not interfere with the magistrates?—No; I think that it is absolutely necessary to levy the county rate for the two objects which I have named.

2694. You still are of opinion that it would be more desirable to leave the management of the asylum with the guardians than with a joint committee of magistrates and guardians?—I think that it would work more satisfactorily eventually to the public, because the ratepayers would then have the control in that matter, which is the subject of more general complaint than anything almost that I have heard.

2695. Supposing that your plan was adopted, how would you obtain the money for the enlargement of the building, or alterations, or repairs, or the enlargement of the asylum?—Precisely as it is now; if it were found by the Legislature desirable that the cost of bridges and lunatic asylums should still be defrayed by the county, all that I would ask to be done would be that the governors of the asylums, be they guardians or whom they will, should present a properly certified bill to the county treasurer for payment.

2696. But would not you be exactly putting the magistrates in the position that the ratepayers are stated to be in now; you would call upon the magistrates to pay money over which they had no control if you carried out your plan; a bill would be presented to the county for payment, and they would have no control over the expenditure of that money?—No, but the ratepayers who paid the bill would have caused the expenditure.

2697. You say that the ratepayers, having elected the guardians, would be a party to the expenditure?—Yes.

2698. Do not you think that it would be much more desirable, if it is to be levied at all upon the county rate, that the magistrates should take some part in the expenditure?—I apprehend that the magistrates would do so, because I assume that the magistrates would still be large ratepayers in their respective parishes; they have an immediate interest in the rates; they have access to the boards of guardians, and frequently, I believe, they are elected way-wardens, and I apprehend that the magistrates would still, practically, in that way, though not as magistrates, but as ratepayers, have a very large control, from their position and influence, over those two subjects.

2699. Mr. *Neville-Grenville.*] How many boards of guardians are there in the county of Nottingham?—There are eight unions entirely within the county, and we have five additional unions, which are partly in the county of Nottingham and partly in other counties.

2700. Can you tell me whether, generally or partially, the chairmen of those unions are magistrates?—Not as a rule, but occasionally.

2701. Do you think that they are in the majority of cases?—No.

2702. Mr. *Kendall.*] As very great jealousy now exists between the ratepayers and the magistrates, we should be very glad to have some means of allaying that jealousy; do not you think that if you took it out of the hands of the magistrates, and merely made them act ministerially in such matters connected with the asylum building and with bridges, you would create a feeling
on the other side on the part of the magistra
—I think not; I am old enough to reme
the time of the alteration of the Poor Law
need not tell you that at that time the adm
tration of the Poor Law was very much i
hands of the magistrates before it was place
the boards of guardians, but I never hear
magistrates express any dissatisfaction at
change of control and authority.

2703. According to what you say, the m
trates would have to sanction the payme
money over which they would not have
slightest voice in the world, *qua* magistrate
No; but they would have as ratepayers.

2704. Mr. *Wyld.*] Have you any other
gestion to make to the Committee?—The
culty as regards the attendance on the fina
board, would be one that I have often discu
whether persons would attend it, not being m
trates, or whether they could attend from
different boards in the county. Take the co
of Nottingham; there the magistrates hav
difficulty in attending; but if you elected a fa
or a gentleman in a remote part of the count
would have very great difficulty in coming
to attend a meeting at Nottingham, or what
other part of the county it might be held in,
when he did come, with the exception of the
items which I have just mentioned, he would
that he would have so little control, that I
afraid the practice would soon die away, and
he would feel but little interest in it.
magistrates themselves, if the Honourable M
ber will kindly look at it, really have so l
control over the heads of county expendit
that where that little is to be shared by some
else, it becomes almost nothing. Take the l
item of the prosecution of felons: I need not
Honourable Members that the control which
magistrates have over those funds is me
nominal, with the exception of allowing 1 *s.*
witness, or 2 *s.* 6 *d.* for attending before the ma
trates, and the constable's charge; the justi
clerk is paid for taking depositions, but all o
expenses are beyond the control of the magistr
entirely. They are in the hands of the cler
the peace and the clerk of assize, and in
hands of the Treasury, who send down the
ferent directions, and repay them. Take a
the great cost of gaols: I need not tell Hono
able Members that a great portion of th
expenses are incurred by the directions of
Secretary of State, and the inspectors of priso
and that the rate of maintenance depends u
the tables issued by the Secretary of St
Then, if you take the police: I am sure I n
not tell Honourable Members again, that
number of policemen to be appointed, and
minimum salaries, are in a great measure r
fixed by the Secretary of State; and altho
the magistrates may exercise some little cont
yet really, except in the instances which I h
given, there is very little control indeed
with the magistrates. If you take the clerk
the peace, which is the next great item:
remuneration of the clerk of the peace is ge
rally either, as in the county of Notttingh
in fees long since settled, or upon a salary ba
upon those fees by Act of Parliament, and th
fore if you take those four or five items from
county accounts, you will see how very li
there may be left except the coroners;
what control really have the magistrates over

coron

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ners. The coroner's fee for holding an iest and paying the witnesses is fixed, not the magistrates but by the Act of Parlia- t. The only discretion that the magistrate in that is, a discretion of a few shillings as to cost of the jury, and a few shillings as to the nesses; and, therefore, if the Committee will ive me repeating it, if you will kindly take heads of the county expenditure, and deduct two or three items which I have suggested as ier more civil than legal, and then take the other erent heads which I have named over which magistrates really have little control, there is y little left indeed for the discretion either of magistrates or of any representative body to joined with them. If you take the inspection weights and measures, it is a mere nominal ı, scarcely worth mentioning. Take the cost the reformatories; the magistrates have no trol over them. You get a boy before you, he boy who ought to be sent to a reformatory, you do not control the cost of his mainte- ice in that reformatory; you send him there you receive a bill from the reformatory for maintenance, and so on. If it were the asure of the Committee, I could go on through the other items of the county expenditure (but vould only be to repeat myself), and show that magistrates have very little control indeed over the actual expenditure that is left of county rates, after the two or three items ich I have suggested might be advantageously isidered by other bodies.

2705. Mr. *Scourfield.*] Does the county of Not- gham incur any loss of an appreciable nature the disallowance of prosecution expenses by Treasury?—Occasionally a small loss; some ndred a-year probably. You are aware that the owance to witnesses is very limited, and occa- nally a magistrate will give a few shillings re to a witness, and occasionally the fees of the rk of the peace and the justices' clerk, are more in are allowed by the Treasury, who allow a ed sum, and in such case there is a nominal loss the county, but not a large one.

2706. Mr. *Hibbert.*] There is a police rate vied in your county; is it levied as one uniform te over the whole county, or in different ıounts over the different petty sessional dis- icts?—That is a point upon which, at this time, ere is a great deal of dissatisfaction in our part the county of Nottingham. It is divided into o police districts; one very much an agricul- ral district, and the other a populated or manu- cturing district. In the agricultural district ie police rate is levied over the whole of that strict, and in the manufacturing district it is vied only within that district; the practical sult being that only a farthing rate will be vied in the agricultural district frequently, and metimes two; whereas, in the manufacturing istrict there may be four farthing rates always.

2707. If an application has been made for an lditional police officer in any particular parish r district, how does that application come before ie magistrates?—It is brought to the chief con- able.

2708. Has the chief constable the whole power f placing the police in any particular district ıat he thinks proper?—The absolute power.

2709. Mr. *Wyld.*] Has he the power of in- reasing or diminishing the number?—No; any increase of force must be voted by the magistrates; but I understood that the Honourable Member was inquiring about the locality; the locality of the police is in the absolute discretion of the chief constable.

2710. With respect to an increase in the police force, who has the power of deciding upon that? —The magistrates in general sessions, upon special notice given.

2711. In what way is that notice given; is it given by any individual magistrate?—It is given by a certain number of magistrates to the clerk of the peace, and by him advertised, and then put into the usual business as the special business of the court.

2712. Is there any condition that there shall be previously a memorial from the inhabitants of the district, asking for an additional police officer? —No; the magistrates go prepared on the one side or the other, and fortified with the best arguments that they can obtain, or the information which has reached them upon the subject.

2713. Sir *William Gallway.*] Did I rightly understand you to say that all the salaries of county officers were within the control of the magistrate?—All salaries, with the exception of the police, because the Honourable Baronet is aware that the Secretary of State has fixed a certain scale.

2714. We heard the other day that that scale is not exactly attended to in some counties, but with regard to the clerk of the peace, how is the clerk of the peace generally paid?—By fees, and a bill for work done.

2715. Are not the fees within the control of the magistrates?—Yes.

2716. Consequently, the salary of the clerk of the peace is in the hands of the magistrates? —Yes, to that extent it is.

2717. In many counties, I believe, he receives compensation, and the fees go to the county, do they not?—Yes, under the Act of Parliament.

2718. Then you cannot make an exception of the clerk of the peace; his salary is just as much under the control of the magistrates as that of any other county officer?—You are aware that the Act of Parliament regulates the salary of the clerk of the peace upon the average of the fees received by him for a certain number of years.

2719. That is the basis of any compensation that has taken place?—Yes, and therefore to that extent he is not under the control of the magistrates.

2720. Have you any registry of the title deeds of property in the county?—No.

2721. Mr. *Henniker-Major.*] You stated that the salaries of the various officers are under the control of the magistrates; are they not regulated by the Act of Parliament, and under the power of the Secretary of State?—Yes; but I have stated that the magistrates could not reduce the salary of the clerk of the peace beyond the average of his fees for a number of years; it is regulated by Act of Parliament.

2722. And with regard to the pay of the police, that is regulated by the Secretary of State to a great extent; that is to say, it cannot be below a certain sum?—No; I have heard it suggested that it has been in some cases below the amount fixed, but as I understand it, the pay of the police cannot be below a certain minimum fixed by the Secretary of State.

Thomas Bush, Esq., called in; and Examined.

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2723. Mr. *Wyld.*] What part of the country do you represent?—Gloucestershire.

2724. Do you hold any official position in the county of Gloucester?—I have held several parish offices for the last 25 years.

2725. Have you been chairman of the board of guardians?—No, I have never been the chairman; but I have been a guardian of several unions. I was a guardian, for several years, for the Clifton Union, which Sir William Miles was examined upon the other day.

2726. Have you any special information which you wish to give to the Committee, upon the county financial arrangements?—As a ratepayer, I think that I ought to have easy facilities for the examination of all the accounts.

2727. Then the object of your attending here is to give evidence upon that point?—I cannot say that I have any object in attending here, because I received an order from the House to attend.

2728. Are you acquainted with the internal county administration of the county of Gloucester?—I can scarcely ever get at the accounts. I think I had them sent to me once; but never but once. I got some accounts, and they were so unsatisfactory, when I did get at them, that I never looked further into them. For instance, there is a charge made for the valuation of the county to raise the money, in the first instance; and, I think, that that ought to be wholly done away with. We have two or three systems of making rates upon the same property, all of which are different. I think there ought to be one general basis for the whole county, or rather for the country. There ought to be one uniform system of making rates upon property, and all the other should follow as a matter of course.

2729. You object to the system of rating upon the valuation of the county of Gloucester?—Yes, by the magistrates, certainly. I should say that, when I did receive the accounts, of course the board of guardians get from the magistrates their rate, and, from all that I could collect or see, they took something between the return of the Income Tax Commissioners, which they have a right under their Acts to get at, and they took a mean between the income tax and the assessment made by the board of guardians, or rather by the assessment committee of guardians; generally speaking, they took the mean between those two.

2730. You object to the present system of valuation in the county?—I think the whole system is bad. My experience tells me that in one union they adopt the system of total rents; they get at a man's rent, and then they fix the rating; but if you take the adjoining union, they have never done anything at all; for instance, they have not made any material alteration in the union of Thornbury, where I reside now, which is a union adjoining the Clifton Union.

2731. You object to the present system of county management, on the ground that the valuation is improper in the county of Gloucester?—I think it is wholly bad.

2732. Have you any other objection, or any other information to give the Committee?—I think that we ought to have a large elective element in all the expenditure.

2733. Is there a strong feeling in the coun of Gloucester as to the present county manag ment?—Almost all my friends have that feeli when I meet them at the various boards guardians in two or three unions. I am a lar ratepayer in two unions. I am still a lar ratepayer in the Clifton Union, and there ma of the elected guardians are in favour of electi boards, that is to say, an elective power.

2734. Are you a tenant farmer?—I shou tell you that I am engaged largely in mnufa tures; but I am at this moment farming my ow land for amusement.

2735. Is that feeling universal througho your county?—I should say amongst the electe guardians it is. Very few men take much i terest in it, excepting those who are parish off cers; there are a certain few in each parish wh take an interest in it, and they give informatio to others, or else, as a body, they do not kno much about it.

2736. Is there any particular system in th county expenditure to which you object?—I d not recollect any at this moment, any more tha the system of rating.

2737. You say that there is great dissatisfaction in the county of Gloucester; can you giv the Committee in detail the reasons for that dissatisfaction?—We do not think that we see th accounts sufficiently, and we want to see th accounts.

2738. Are the accounts published?—I hav seen them in a large work like I saw them jus now on only two occasions, but I do not know how we are to get at them; they were sent t me, I do not know by whom.

2739. Do you attend the quarter sessions?—No, I am not a magistrate.

2740. At the board of guardians, have you not seen the county accounts?—I have seen them on one or two occasions. I rather think I must have got a copy of them from the clerk of the board, for I know I took them home, and I went into a large number of calculations to get at the comparisons of the different parishes, and I found that my parish was a little more underrated than some others, and then I thought I had better remain quiet. I have property in another parish, and I found that that parish was something like 3,000 *l.* under the income tax, and the magistrates take the mean. I believe that the income tax is really the income of the parish; you will find very few pay more for their property than it is worth under the income tax.

2741. Is there any complaint as to the management of the gaols in your county?—It would be only general. If the complaint was anything, it would be that the lunatic paupers in the asylum usually cost from 10 *s.* to 12 *s.* a-week, while those in the union cost something like 3 *s.* or 3 *s.* 6 *d.*; but then I apprehend that they have better treatment in the county asylum than they do in the unions. My experience is that in the unions it is a place that they exist in, but they do not get that attention which they do get in the lunatic asylums.

2742. I may take it that your objection is to the general expenditure?—Yes, and the want of our having power to look into the accounts.

2743. You cannot furnish the Committee with any

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r details?—No; I have never had any oppor-
ity of obtaining them.

744. Your objection arises because you have
had the facility of inspecting the accounts?—
at is so. I think that if we had some system
n elective element, an election from the ma-
rates, or a stipendiary magistrate, or some-
ng of that kind, that would give general satis-
tion to the ratepayers.

745. You are here to represent the feeling of
ratepayers in favour of some elective prin-
le?—I am not sent by the ratepayers, because
ame by an order from this House.

746. I believe that you have a chamber of
iculture in the county of Gloucester?—Yes;
I have not been in communication with them,
ept conversation with Sir George Jenkinson.

747. Could you state the feeling, so far as
know it, of the district in which you live?—
far as I know, they would like to have the
ctive element.

748. Have you seen the Bill that is before the
use?—I have just scanned it through. If I
through a Member of Parliament any bills
nected with parish business I generally look
m through, and I have looked through this.

749. Would an elective board, composed of
-half magistrates, and one-half guardians, be
isfactory to the ratepayers of the county of
oucester?—Far more satisfactory than the pre-
t system. The only doubt that I have in my
d would be how the elected board could be
together, because the board would meet in
oucester, and at our end of the county we
uld be from 20 to 30 miles away; but I ap-
hend that the whole business of the county is
e by very few magistrates. I never can find
agistrate who knows anything of the accounts.
I ask a magistrate anything about the accounts
my neighbourhood, they know nothing about
m. If I ask them how the rates are struck,
y do not know anything, and they do not ap-
r to take any interest in it. It seems to be
t to a few, from all that I can gather; and it is
same at the board of guardians, there are
e four or five of them who do the whole work
the house.

2750. The feeling in the county of Gloucester
n is, that there should be some representative
ment in the administration of the county
ance?—Yes, certainly. Then, I think, that
the satisfaction of the ratepayers, there ought
be some system of exposing the accounts, the
ne as we do at the board of guardians, and
me system of audit, in addition to giving
ery ratepayer a knowledge of their accounts,
cause the magistrates, or even the new board,
y expend monies that they have no power
authority to expend. Those accounts, accord-
g to my view, ought to be passed by the new
ard, and laid before the ratepayers generally,
roughout the county, so that they should have
opportunity of seeing them, and objecting
any items; and then after that, they should
audited by some public auditor, or if you
ve a stipendiary magistrate, they should be
dited by him. From the little that I have seen
stipendiary magistrates, I rather like them, and
ere is certainly more system than where there
e no stipendiary magistrates.

2751. Then the feeling of the county of
loucester arises not from any distrust in the
agistrates but from a want to have some share in the administration of the county finance?—That is so.

2752. Mr. *Heneage.*] In what way would you have the accounts published?—They should be exposed in some central place.

2753. Do you mean stuck up upon the church?—No; the same as is done with the poor rates. In the poor rates they must be left in the parish, and in the union accounts they must be left in the union.

2754. Do you mean that they should be advertised in the different papers?—You could not go into sufficient detail in that way, because every voucher ought to be examined, and the ratepayers ought to have the power of examining every voucher.

2755. Do you mean that they ought to be left at the county treasurer's office for anybody to come and look at any day he likes?—Yes; any reasonable time, the same as with regard to the board of guardians; they ought to have an opportunity to go and see every voucher and see the accounts, those extracted accounts in the newspapers are valueless.

2756. I thought you said that you were in favour of an elective board; if you had an elective board, would not you trust them to look after the accounts?—Yes; but it is exactly the same with the board of guardians; they are an elected board of guardians, but they expose their accounts for something like seven days before the auditor comes to audit them, and then any ratepayer has an opportunity to object to any amount that he likes in those accounts.

2757. Then, according to what you said just now, the only people that would come and look at them would be the people in the neighbourhood of Gloucester, because they would be too far off for other people to come, and that would not be any kindness to the county generally?—If there were any of the board in the neighbourhood, there would be a meeting called, and one might be appointed to go up and examine the accounts. We should have an opportunity to go and examine them, and we should have this assurance that, if we did not examine them, there would be a public auditor to check the accounts.

2758. What you want is a public auditor?—Yes, in addition, who would be employed for so many days; after the accounts were laid before the committee there should be some place where those accounts should be deposited, the same as the boards of guardians, and giving us an opportunity of going to the public auditor and objecting to any amount.

2759. You think that the county would not object to the extra expense that would be entailed by having to leave the accounts open, with somebody in charge, and by having an auditor appointed?—The auditor would be the principal expense, and I think that that would be satisfactory; I should tell you that in the parish of St. Philip and St. Jacob there are, I suppose, 2,000 houses in that parish under 6 *l.* a-year, and I have been called upon individually to go and examine all the accounts in the Clifton Union, and I have, with the help of the public auditor, struck out amounts as illegal that they had charged in their accounts to the above parish.

2760. Do you wish that there should be one rate levied for the whole county, and everything paid out of that?—I go still further than that; if I could satisfy myself that the expenditure would

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would not be excessive, I am rather inclined for national rating; the only doubt I have is the checking; whether a feeling would not get abroad that one board would like to do as much as they could against another board; if you could have any system to check the new boards in any extravagant expenditure I should like a national system.

2761. Then what would be everybody's work would be nobody's?—There is that objection, of course, but still, until that is adopted, I am in favour of one county rate.

2762. Mr. *Scourfield*.] Did I hear you say that the magistrates paid money which they were not authorised to pay?—No: the boards of guardians; their accounts were incorrect.

3763. Have not you seen the county of Gloucester accounts?—Upon one occasion I took the book home; I cannot call to mind where I got it from, but I suppose I got it from the clerk to the board of guardians.

2764. Have you experienced any difficulty in getting one if you inquired for it?—I recollect sending for one at Bristol, and they said that I had no right to it; but, having so many friends, I could get any information that I liked.

2765. Would you say that those accounts are sometimes not satisfactorily drawn up?—They were very general accounts, but there were amounts which I think ought to be done away with; I might name the mode of assessment; the magistrates have power under the new Act to assess the different parishes throughout the union; it turned out from Sir William Miles' evidence, that there was 3,000 *l.* spent for the county of Somerset, an expense which ought not to be entailed at all; according to my views, it ought to be done upon the same system as the highway board; we simply make out our precepts upon the various parishes in the union for certain amounts, and we have nothing whatever to do with the rates. In the board of highways, of which I have been vice-chairman for some years, we simply make out a precept, and call upon the overseers to pay it out of the funds of the parish; we do not go to the trouble or expense of rating the county.

2766. With regard to the Clifton Union, for which you were a guardian, are you acquainted with their proceedings?—Yes, I know the whole of the details.

2767. What is the average poor rate levied there?—I think that their rates now are from 4 *s.* to 5 *s.* in the pound. I have paid as high as 6 *s.* 8 *d.* in the pound, but they run from about 2 *s.* to 2 *s.* 6d. half-yearly.

2768. How much county rate do they pay out of that?—Our county rate in St. Philip's and parishes that are in the city and county of Bristol is the same.

2769. But will you tell me how much you pay in the pound for the mere county rate?—That is not above 1 *s.* 1 *d.* or 1 *s.* 2 *d.*; it is pretty uniform; of course, all that is amalgamated in our poor rate, and the calls are made upon it. There is a large revenue derived from rents in addition. The county rate for Gloucester is about 3 *d.* for police, and 2 *d.* for general expenses, per annum.

2770. Mr. *Henniker Major*.] A good many witnesses have spoken of a financial board, formed one-half of ratepayers, and one-half of magistrates; do you think that that would be
satisfactory to the ratepayers?—My experie
of the magistrates is this, that very few of th
ever attend the meetings of the board of gu
dians when there is any practical business go
on, but immediately there is anything in
shape of emoluments or elections going on, y
have the whole body; you have faces then t
you have never seen before. I have had occasi
myself, to see that.

2771. I asked you whether you thought t
the plan which I have mentioned would be a
tisfactory one to the ratepayers?—I do not th
it would, unless you elected them.

2772. I suppose the financial board to be co
posed one-half of elected guardians (ratepaye
and one-half of magistrates; would that be sa
factory?—I do not see any objection to that
you do not have the whole of them magistrat
Take the Clifton Union for example; it does
happen that there is a very large number
Clifton parish who are magistrates, and they
come down and swamp all the other parish
but you never see many of them on other oc
sions.

2773. Is there a financial committee compo
of magistrates in the county of Gloucester?-
assume that there is; I do not know who th
are, because I never can get any information.
asked Sir George Jenkins the other day, as
seemed to know most about it; but you kn
pretty well what things are.

2774. Are they not appointed in open cou
—That I cannot tell; I never attended a cou
but reading accounts out in the court would b
farce, unless you had an opportunity of seei
them beforehand.

2775. Mr. *Kendall*.] On your board of gu
dians, how many elected guardians are there, a
how many *ex officio* guardians?—That I can
recollect off-hand; but there is a large numb
of *ex officios* in the parish of Clifton. I am
a guardian there now.

2776. I am afraid that you have not a ve
great idea of the business habits of the mag
trates?—Some of them are very excelle
men. I think well of the magistrates as a bo
because they have great interest at stake; bu
think that we should have the best men in
they were elected, and we should get rid of th
who have no business there.

2777. You say that when there is anythi
particular to be done, or any officer to be elect
at the board of guardians, they all rush in?—
would put it in this way; supposing there is
man whom they wish particularly to put in
office, and the board of working guardians kno
that that man will be proposed, but that there
a better man for the office, whom they wa
to be elected, as a rule, those working guardia
are out-voted, and then they get in men who a
not always advantageous to the union.

2778. Where the *ex officios* are many in nu
ber, they can largely influence the decision of t
board?—Yes; I have had occasion to addr
the Clifton board myself, when they have co
down as a body, and I have seen two or three
them, after I have addressed them, would
vote. They have said that there was reason
my argument, and they have walked away.
have seen them walk away.

2779. As far as the other guardians go,
they not rush in at times in the same way?
No, because all the other guardians attend pre
regula

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ılarly. We have generally large boards. I ıld think that at the Clifton Union perhaps ıttend on the average every week.

780. I understand you to say that you have special complaint at all against the magis- es; but you think, as a ratepayer, that you, ı other ratepayers, ought to have a voice in management of the expenditure?—Certainly

781. And you think that you ought to have ess to the accounts?—Yes.

782. Would you like your representatives to on the committees with the magistrates, in er to see how things are managed?—My only bt is, how the expenses are to be paid. I ıld not feel it one way or the other. It would make any difference to me.

783. I understand from you, first of all, that think that you ought to have a voice; and ı you say that the proper way would be to e elected guardians to meet the magistrates to sult upon the mode of spending the money; you have a fear that, as some would have to vel a great distance, the elected guardians ht not regularly attend?—That I am afraid

784. With regard to the expenses of the nty of Gloucester, have you ever yourself n in any of the establishments of the county: gaol, for instance?—I have been over the nty gaol, and I have been over the Bristol l very often.

785. They have their own borough gaol, e they not?—Yes.

786. Do you find any extravagance there, ch you could curtail if you were on the com- tee?—I have been over the county gaol; but ave never had sufficient opportunity to look r the accounts. I do not know anything about salaries.

787. Without knowing whether the accounts well managed or not, you would at once h into a public audit, and you would have a endiary magistrates?—No; I do not say that. hink there is something in that objection, be- ıse I do not exactly know how a stipendiary gistrate may work; but I have been visit- at places where I have seen the stipendiary gistrates, and their way of conducting the siness of the court.

2788. If magistrates are working well, and rking economically, do not you see that all se little additions of yours will be very costly? I know that our magistrates are incurring ex- ıses which might be done away with. I name valuation of the county, and their large ex- nditure for that. I know that; I do not know ıers.

2789. You confine yourself to only one thing; u do know, of course, that now the valuations made upon a new system; but you say, that hough there is that new system, yet there is penditure which ought to be avoided?—Yes; this moment that is all I recollect.

2790. Sir *William Gallwey.*] You stated that the board of guardians there are a certain mber of guardians that work, and a certain mber of guardians that will not or cannot rk?—Many of them do not know sufficient of law.

2791. Has it not become lately a custom to ve what one would almost call a professional ardian, that is to say, some guardian is elected year after year, and in many cases he is paid by the rate?—We have nothing of that kind in our county.

2792. Is yours generally an agricultural parish?—Where I am residing, it is purely agricultural; but where I am largely interested, in Bristol, it is manufacturing.

2793. That would not occur in Bristol; but in certain agricultural parishes has that practice ever come under your notice, which has rather grown up of late?—Not in the unions that I have had to do with. I have been in the Bristol Union, the Clifton Union, and the Thornbury Union, two of which are very large. There are about 700 or 800 paupers in the Clifton Union proper, and generally about 1,200 out-door paupers of my own parish.

2794. You are, of course, aware that the object of this Committee is to investigate all we can concerning the expediency of appointing financial boards?—I assume that by the notice.

2795. I rather gather from your evidence that, assuming that financial boards were constituted one-half of ratepayers and one-half of magistrates, that would not satisfy you entirely; you would require some other supervision, some other power of investigation; but would not that representation satisfy you, and render, in your opinion, needless the posting up of copies of the accounts if you had the power of appeal to an auditor, and many of those safeguards which you have suggested to the Committee?—All those accounts must be posted up, as a matter of course.

2796. Would you still require them to be posted up if you were represented at the board by ratepayers?—I think myself that the ratepayers ought to have the power of seeing the accounts.

2797. Notwithstanding the financial boards being appointed, consisting of representatives of the ratepayers?—Yes; because in boards of guardians that are elected not unfrequently their accounts are irregular. I know that on one occasion I went before the auditor, and struck something like 30 or 40 paupers off my parish, and put it upon others in the union.

2798. Did I understand you rightly, that, admitting that the House were to pass a law for the establishment of financial boards consisting half of ratepayers and half of magistrates, introducing the element of representation of the ratepayers, that would not be sufficient to satisfy you?—I think that the ratepayers would be satisfied with it for a time; but if it did not work properly, and the accounts were not properly charged, they would go in for an auditor.

2799. Then it would satisfy you if it worked properly?—Yes; it would satisfy me if it worked properly.

2800. And do you think that it would work properly?—I think it would be a great check to have a public auditor. My experience is, that boards or financial committees seldom or ever check the various entries and additions made in the ledgers, &c.

2801. Supposing such a Bill should become law, I should like to know your opinion as to whether the representatives of the ratepayers should have a qualification; I mean by a qualification, the possession either as owners or as occupiers of a certain amount of land?—I have always seen a convenience arise out of having a

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qualification, and certainly I think there should be something of the kind.

2802. Can you form any idea of what that qualification should be for a tenant, and what it should be for a freeholder?—About the same, I think, as for a guardian or a waywarden; you would get very efficient men. The qualification is different in different places; it is regulated by the Poor Law Board.

2803. Could not you mention a specific sum?—I think it is about 30 *l.* for the board of guardians.

2804. But what should be the qualification of a tenant who is to be elected on the financial board?—In my neighbourhood land is very valuable, and I think if a tenant paid 20 *l.* or 30 *l.* a year, that might be sufficient; but I have not given that point very much consideration.

2805. Would you allow magistrates to be elected as the representatives of the ratepayers?—If you were going to elect half from the magistrates, and half from the board of highways or the boards of guardians, or from both, then I do not think it would be fair, or give general satisfaction, if magistrates were elected in addition to their own half; and I think they ought to be excluded.

2806. Even if they were gentlemen in the possession of the confidence of their whole neighbourhood, active men and good men of business, you would not allow them to be elected as the representatives of the ratepayers?—No, because I think the magistrates, in their own discretion, would elect them; if they are active men, and men of experience, they are almost sure to vote for them.

2807. Lord *Henley.*] Is there really any difficulty in your county in getting to inspect the accounts; could you not inspect them if you wished to do so?—I suppose if I went to Gloucester, and asked the parties who had possession of them, they would as a matter of courtesy show them to me, but then they would have the power to refuse; and I should tell you that I have been refused the books before now.

2808. You mentioned the evidence of Sir William Miles, in which he said that in making the county valuation the parishes had to pay as much as 4,600 *l.* for it; did you have any similar expense in your own county?—Not that I am aware of, because I have not seen the accounts, but I know there must have been expenses from the fact of their sending us the valuation.

2809. But do not you think that some expense is necessary in making out the basis for the county rate?—I think that there ought to be one machinery for the whole system. There ought to be a common assessment that should govern the whole—the income tax, the highway rate, the poor rate, and the county rate.

2810. Taking things as they are, would it be possible for the magistrates to take as the basis for the county rate the various bases made by the different assessment committees?—They must go to some expense if they are going to have it perfect.

2811. Will you tell me whether the magistrates could take as their basis those returns which are made by the union assessment committees? Yes, they could take all those, because they would get them returned to them.

2812. But would they not find that the deductions were made on a different scale in the various unions?—Yes; the best rate to take woul
the income tax rate, and we have the pow
call for that for the assessment of the poor
and if you charge the income tax, making al
ance for repairs, &c., you would have it a
right.

2813. They could not take the assessr
basis pure and simple?—I think they had b
not take it at all; it is as bad in some plac
can be.

2814. You would take the income tax
alone?—Yes, as a true one I should, certai
but there is a hardship even in that. Great
satisfaction at this moment prevails in co
quence of the appeals not being heard by c
petent officials.

2815. Mr. *Neville-Grenville.*] I think y
great objection to the present state of th
is, that the magistrates of Gloucestershire h
been so merciful to you that your propert
amazingly underrated?—I do not say that,
cause in some parts of the county they are r
up to the full annual value; not my property
dividually; but it is the case in the adjoin
union to where I have property.

2816. You also say that neither you nor
ratepayers generally in Gloucestershire, nor e
the magistrates, know anything about the cou
expenditure; are not the accounts produced p
licly at the quarter sessions, and is there not
a balance sheet published in the newspap
circulated through the county?—In the Gl
cester paper, which is not circulated in our
of the county, I do not see.

2817. Is it not published in the Bristol pape
—I do not see the county expenditure in
Bristol papers, because Bristol is a county
itself.

2818. Do you not see the Gloucester exp
diture in the Bristol papers?—I do not recoll
seeing it in the Bristol papers; I have had
Gloucester paper sent to me, but I do not rec
lect at this moment seeing any such balance she

2819. If you read the paper you would ha
seen this account; there would not have be
such ignorance as you state on the part of t
ratepayers, magistrates, and others, if they wo
only read the published accounts?—I have ask
the magistrates in my neighbourhood, and
know them all well, how the rates are struc
and they cannot enter into any detail of it; I c
tell the general amount, but the general amou
is no good; I want to go into the detail of h
it is managed, and when you get into the det
you are at a loss; I assume that there are m
appointed up nearer Gloucester who attend mo
to business, perhaps, than they do in my end
the county; I assume that that is so; I have
doubt that they are very efficient men indee
and most of the ratepayers have every confiden
in them.

2820. Then this county business is pretty w
attended to generally?—It is, like it is at t
board of guardians. If I were to go into t
room to audit the accounts, in all probability
and about two others would be put down to lo
them through, and the rest would walk away, a
I believe that this financial board would do t
same as the other boards do.

2821. There would be no difficulty in makin
themselves master of all the accounts if th
pleased?—There are very few men who wou
sit down to do it.

2822. B

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2. But there are very few people who, if hose to set to work at it, but could make elves thoroughly masters of all the accounts? course, if the accounts were simple accounts, ne could understand them if they were to sit down and take them in hand; but I find, practically, that men do not like figures; it is too dry work for them; I am rather fond of them, I confess.

Mr. Thomas Duckham, called in; and Examined.

Mr. T. Duckham.

3. Mr. *Wyld.*] Do you come from the bourhood of Ross?—Yes, from the county reford.

4. Do you hold any official position in the v of Hereford?—I am Chairman of the fordshire Chamber of Agriculture, and I was hairman of the two first meetings held in on for the establishment of the Central ber.

25. Can you give the Committee any details the expenditure of the county of Hereford? is a matter that I have not looked very y into; I was here, as you are aware, last y, and this morning I looked through a file pers, and I found the last statement from aster Quarter Sessions at Hereford, and I it here, giving a statement of the accounts he report of the sessions.

26. Are you acquainted with the details of ounty expenditure?—No, not beyond what in the general statement and the report of nance committee to the quarter sessions.

27. What is the nature of the information you wish to give to the Committee?—I me here at the summons of the Committee; not volunteer to come here; I come to an- any questions that you may ask me.

28. I understand that you are not acquainted the details of the county administration?— not beyond what I have seen in the different ts.

29. Have you any remarks to make with ct to the county expenditure?—We held a ng at Hereford when your Bill was be- the House, at which I presided, and we d a resolution to the effect that taxation and sentation should go together. I will read e Committee the exact resolution, as it is a short one:—"That this Chamber views pleasure the introduction of Mr. Wyld's nty Financial Boards Bill;' and, from the ng that taxation and representation should gether, they consider that their establish- should be by statutory enactment." We did ike the permissive clause in the Bill.

30. Of whom did that meeting consist?—Of of the most influential farmers of the county, some magistrates; Mr. Rankin, one of the ty magistrates, spoke at the meeting, and coincided with the resolution.

31. Did it represent a large body of rate- rs?—Very large.

32. A majority of the county?—That I d not say; of course, the movement is almost s infancy as regards the establishment of nbers of Agriculture.

33. A large body of the ratepayers of the ty were assembled at that meeting?—Yes, were, and some of them very heavy rate- rs.

34. Is it the feeling throughout the county ereford that the ratepayers claim some share ne administration of the county finance?— so far as my connection goes; and my con- ion is very extensive in the county.

2835. Do you know the grounds for that feeling?—They feel that they have to provide the money, and that they ought to have a voice in expending it; there is also a very growing feeling, not only in our county, but in many others, in favour of the last gentleman's statement about stipendiary magistrates; they think that the management of the county business should be by gentlemen elected for the purpose. I think that many of the county magistrates are good men of business, and would be elected upon a county financial board, to have the management of the business; but that they should be relieved from their judicial duties, there is a very strong feeling.

2836. Representing public feeling, as you do to some extent, are there any items in the county expenditure to which you particularly object?—I will not say that there are. I see that there is a very strong balance in the hands of the treasurer; but the treasurer only receives 63 *l.* a-year salary, and the treasurer is a most worthy gentleman.

2837. If I understand you aright, the feeling in the county of Hereford arises, not from any particular objection to the items of expenditure, but from the feeling that the ratepayers ought to be represented in the expenditure of the county rates?—Yes, that they ought to have a voice in the expenditure.

2838. Have you, yourself, any particular plan for the formation of county financial boards?—I have; I heard Sir William Miles, on Friday, give his opinion in favour of boards of guardians. I consider, certainly, that the highway boards would be far preferable, inasmuch as the highway boards are co-extensive with the counties, and the boards of guardians extend into different counties, and they are very much mixed up, and not only so, but the boroughs having a local jurisdiction are connected with the boards of guardians, and it would be wrong, I think, to allow those that have their own local jurisdiction to vote upon the election of the county financial board.

2839. Will you state to the Committee your idea as to the machinery of county financial boards; of whom the boards should be composed?—My idea is that the highway board, being elected by the ratepayers, should elect the county finance board, in order to save expense. It would be a very heavy expense to have a meeting of the whole of the ratepayers of the county on certain days to elect the county finance board.

2840. Would you, therefore, confine the selection of the members to form the county board, to the members of the highway board only?—Certainly not; they should have the power of selecting the best men generally in their respective districts.

2841. The electors should be the highway board, as I understand?—Yes, I think so, in order to save expense. Then there are market towns

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towns in the different counties which are not corporate boroughs, and I think that the ratepayers of those towns should be represented.

2842. Are you of opinion that any below the position of magistrates should be associated with them on those finance boards?—Certainly, under the existing course of things. I have given my opinion upon the other point. I certainly feel that it would be for the benefit of all to have stipendiary magistrates; but, in the event of the present system continuing, I think that the county finance boards should consist of half magistrates and half elected members.

2843. Should the elected members of the finance boards, in your opinion, be elected by the board of guardians?—By the highway board, on account of its being co-extensive with the county. In my county there are several unions that have only one or two parishes in them that are situated in the county, and the remainder of the union is out of the county.

2844. Is the Highway Act adopted throughout the whole of your county?—It is.

2845. Are there highway boards elected throughout the whole of the county?—Yes.

2846. Have you any remark to make, or information to give to the Committee, on the subject of the general county financial arrangements?—I do not know that I have. Here is the last statement of the last quarter sessions (*handing the same to the honourable Member.*)

2847. I understand that you appear here to testify as to the opinion throughout the county of Hereford, that county financial boards should be established in that county?—I suppose that is the reason why I received this order. I had no idea of coming here until I received it.

2848. Admiral *Duncombe.*] I think you did not state what your county rate was in the county of Hereford?—The county rate, I think, speaking from memory, is about 4 *d.* in the pound. The county rate at 1 *d.* in the pound, realises 3,129 *l.* 6 *s.* 10 *d.*

2849. Was there much opposition to the establishment of the Highway Act, in your county?—There was an opposition to it.

2850. Was your chamber established previously to that?—No; it was some years subsequent. My county was one of the first to adopt the highway board, and I think that where the practical element is brought to bear upon it, it is one of the best Acts that we have.

2851. But notwithstanding that, when it was in agitation, it was very much opposed by the ratepayers at large?—Yes; it was in some districts, and in some districts it has worked badly. For my own part, I have taken a great deal of interest in my district, and I am satisfied that in our district it has worked well and economically; we have better roads, and our expenditure is annually reducing.

2852. *Chairman.*] More economically than under the old system?—I think that the estimated expenditure for this year, including all salaries, and the establishment expenses, is something like 2,400 *l.*, being only a few pounds in excess of the average of the three years preceding the formation of the district; our expenditure is reducing every year, and our roads are better.

2853. Admiral *Duncombe.*] Prior to the establishment of the Highway Act by the court of quarter sessions, did the ratepayers make any
representations to the court in opposition t
—Some districts did very strongly object
they were not listened to.

2854. By memorial?—Yes; and there
some little matters that ought to have bee
tended to differently. For instance, there
chapelry adjoining me, as to which I drew
memorial, which was signed by every ratep
and presented to the court of quarter sess
but we could not be heard; in consequen
this, the surveyor has seven miles round to g
order to get to that chapelry; it is compl
isolated by the river, and unless he can for
river there is seven miles round to go befor
can get upon the road from any other part o
district.

2855. Was your application for a bridge n
made on account of the road?—No; th
should be attached to the Ross instead of
Hereford district. I think that is a point w
the ratepayers should have had a voice in, ins
of being obliged to go to law upon the poin
submit to the extra expense and inconvenie

2856. I understand you that in the eve
financial boards being established, you w
prefer on the behalf of the ratepayers, that t
representatives should be elected by the
wardens, in preference to the guardians?—
in consequence of the highway districts b
co-extensive with the counties; the petty
sional divisions are the limits of the high
districts, unless in isolated cases, where the
a small parish from another county attached.

2857. Are the waywardens generally som
the most active and intelligent men in the
trict?—Yes, they are; that is my experienc
them.

2858. And if any of them were placed u
the financial board, would they from distant p
of the country be willing to attend to the finan
business at the county town, without any
muneration?—Yes, I have no doubt about it.

2859. Are you in the habit of attending
court of quarter sessions yourself?—No, I
not; I attend to a good many things, but no
that.

2860. Do not you know as one of the pu
and as a ratepayer, what is the course with
gard to the financial statement being read o
—Yes, I do; I have been present and heard
when I have been acting on the grand jury, a
so on.

2861. Then it is the case, is it not, that wh
any sum is required on behalf of the county, it
read out in open court?—Yes; there is t
fullest report of the finances I have ever see
which I have placed in Mr. Wyld's hands.

2862. Mr. *Kavanagh.*] You stated, did y
not, that you would place the election of t
finance board of the county in the hands of t
highway board, but in some counties where th
are no highway boards, how would you manag
because it is not general all over England, is i
—There is the evil which I see in a permiss
Bill; I do not like permissive Bills; I think
any alteration in the laws of our country is r
quisite, it should be general.

2863. In cases where there existed no highw
board, how would you manage?—Then of cou
you would adopt boards of guardians; at least
see no other course to save the expense of poll
the ratepayers generally.

2864. Would you object to the guardians?
N

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No, certainly not; my only reason, as you will ee on the county valuation, is that there are some nions which have only two parishes in the ounty of Hereford, and some with only three arishes belonging to the poor law union in Herefordshire, and the remainder are out of the ounty.

2865. Sir *William Gallway.*] There seems to be some difficulty in making the number of nions or the number of districts agree with the umber of available magistrates; if the proposition was to have an equal number either of waywardens or guardians to meet an equal number of magistrates, so that you must somehow or ther make the two numbers agree, you must ave the same number of districts, or you must ave the same number of unions?—I think that ould be very easily done.

2866. Can you explain how?—The magistrates in quarter sessions might appoint as many f their number as there are highway districts n the county, or from each of the petty sessional divisions, and the ratepayers might elect one rom each petty sessional division.

2867. The magistrates would not have the nitiative; they would not have the choice of the umber of which the financial board should consist; the number of magistrates, in fact, would ntirely depend upon the number of districts or he number of unions?—Yes.

2868. How many unions are there in your ounty?—I really cannot tell at this moment. There are a great number of parts of unions in he county. I think that there are about eight r ten petty sessional divisions.

2869. You stated that you would take all the districts or all the poor law unions, and that then you would call upon the magistrates to meet you with an equal number of magistrates?—Yes.

2870. It has been stated that, in some counties, hat would form a very unwieldy board, because of the large number of unions; take, for instance, the North Riding of Yorkshire, where there are about 20 unions, you would have a board of 40 people, would you not?—Yes.

2871. Do not you see some difficulty in that?—Yes.

2872. The difficulty in my mind is this, and I ask whether it is not the same in your mind, that if every district and every union did not send a representative, it would be a very difficult and complicated matter, and the machinery to choose those districts and unions must be necessarily very complicated?—Yes; if you have only one quarter sessions for the whole of the North Riding, it would be very extensive; but I do not anticipate any difficulty in our county in that way. I know that the management of the city of Hereford is carried out by a finance board, consisting of the whole of the town council, and they meet weekly for their business.

2873. Mr. *Heneage.*] You said that you gave your treasurer 60 *l.* a-year; what is he?—He is a retired solicitor.

2874. Then he keeps the money in his own hands?—Yes.

2875. He gets 60 *l.* a-year, and also the money?—Yes; it is stated in the balance-sheet that the county treasurer's salary is 15 *l.* a quarter, that is 60 *l.* a year.

2876. You say that the financial boards would consist of men of business; do you mean that if they existed, magistrates would elect the men who attend most to business, and that the ratepayers would also elect men of business; you do not mean on one side only?—On both sides. I imagine that the magistrates would elect their best men to fulfil this important duty, and that the ratepayers would be sure to do the same.

2877. What reason have you for considering that the judicial business would be better performed if they were stipendiary magistrates; have you any complaints in your county against the magistrates' discharge of the judicial business?—I have heard of many complaints, with respect to the borough more particularly.

2878. I mean the county?—I have heard many complaints with respect to the county.

2879. Are you of opinion that the best way would be to abolish the present magistrates altogether, and to have a financial board for the county business, and stipendiary magistrates for the judicial business?—That is my opinion.

2880. Mr. *Neville-Grenville.*] You were rather surprised at being summoned here, but I suppose, as a resident in the county of Hereford, with your connection with the Agricultural Chamber there as editor of the Herd Book, and your connection with the Bath and West of England Agricultural Society, and other societies, you are as well able to speak to the condition of the county of Hereford, and the opinion of the ratepayers, as anybody in the county?—Possibly, I may be. I am a member, as you know, of the Council of Bath and West of England Society, and also of the Council of the Smithfield Club, and the Central Chamber of Agriculture, and chairman of the Herefordshire Chamber of Agriculture, editor of the Herd Book, and also waywarden. I am not a guardian this year. I have been a guardian repeatedly.

2881. Mr. *Kavanagh.*] With regard to stipendiary magistrates, you said that you would have been appointed for judicial business; have you found any fault with the magistrates of the county in their administration of the law, irrespective of the fiscal business?—I have only expressed the feeling entertained by a large number of gentlemen with whom I associate, and I am sure that it would be more congenial to their feelings to have stipendiary magistrates.

2882. Mr. *Neville-Grenville.*] Even although they paid themselves?—Yes, even although they paid them; but we see no valid reason why that expense should be imposed upon real property only.

2883. Mr. *Wyld.*] From your experience, are you of opinion that the ratepayers of the county of Hereford are in favour of the establishment of county financial boards?—Yes, I am decidedly of that opinion.

2884. And that opinion is shared both by owners and by occupiers?—Yes. We are also very strongly in favour of an alteration being made with reference to the levying of the assessment; the assessment is levied in a most unsatisfactory manner at present; the Assessment Act has worked very badly indeed in our county. I like the principle adopted in Ireland far better.

2885. If a county financial board were established, the assessment would be conducted perhaps upon much better principles than it is now?—The county valuation is very closely analogous to the valuation of the assessment com-

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mittee at present; but the manner in which the poor rate has been made is most unsatisfactory. I have had a great amount of contention, and a great deal to do in our union upon that point as to the distribution.

2886. Mr. *Neville-Grenville.*] You do not complain, I presume, as another witness did, that your property has been underrated?—No; my difficulty has been to keep it more equitably rated.

NICHOLAS KENDALL, Esq., a Member of the Committee, Examined.

N. Kendall, Esq., M.P.

2887. *Chairman.*] YOU have heard the evidence which has been given with regard to the management of the finance committee of Cornwall?—I have, to a great extent, by Mr. Stokes.

2888. We have collected from that evidence that there is considerable dissatisfaction in the county with regard to the expenditure of the county funds; are you of that opinion?—There is very considerable dissatisfaction at present.

2889. What is your opinion as to the cause of that dissatisfaction?—It is rather a long history, but I think I can condense it. First of all, it began, I think, with regard to the county lunatic asylum. We had to build largely some years ago; and although we proved afterwards that we built it more cheaply than any other asylum in the kingdom; and although the committee collected subscriptions to the amount of 3,000 *l.* or 4,000 *l.*, by which we built a convalescent ward ourselves; and although we saved a great deal of money by taking in parties from boroughs, and laid out 2,000 *l.* or 3,000 *l.* in land without applying to the county, yet still there was dissatisfaction.

2890. Do you suppose that the dissatisfaction arose from the expenditure, or from the ratepayers not being sufficiently acquainted with the mode in which the money had been spent?—The first complaint was, that our balance-sheet was not published in sufficient detail, and then we had every article put down. Then we proved that we were cheaper than any other county in England but one. But still there was discontent, and I think it arose in a great measure from the power that the visitors had, and still have, under the Act of Parliament, that they can increase the medical salary, and that they can increase the wages of the servants, and at that time it came to a culminating point, because then by Act of Parliament, they could pension off their old servants, and the visitors did pension off a man who they thought had done them great service, and who was very able; but as he was still comparatively young, and had a great deal of work in him, the ratepayers began to fancy that we had acted very injudiciously, and they became excessively angry at it, throughout the whole county of Cornwall; and I think that that was the first beginning of the wish for financial boards. They then thought that they ought, as ratepayers, to have a voice, and then I should say that that feeling increased shortly afterwards, because the gaoler was superannuated, and he had a pension. They were then angry, and I think the feeling increased more strongly than ever, when the police were formed, and the buildings began, because then many tenants felt that they had taken their farms without being at all aware that they would have to pay for the police, and when they had to pay they became more angry. I should say that afterwards, when the police buildings came to be erected, they became excessively angry, and then the question of financial boards began to be mooted in almost all the Poor Law Boards; I think that this feeling began in Cornwall, and it has been creeping up throughout England; but it began in Cornwall, for the reasons which I have just stated to the Committee. I happened to be chairman of the lunatic asylum for 25 years, and I saw how it took place there. I also was for 25 years, and am, chairman of the county gaol, and I am chairman still; and I was chairman and vice-chairman for 25 years of the Bodmin board of guardians, and it was there that they began, after the business was over, to discuss very warmly the extravagance of the magistrates. It was all done in good temper; but I thought that it was not a proper thing to discuss, nor the proper place, and I gave up my position on that account, but we parted very good friends. Now that we have Chambers of Agriculture, there is a very strong feeling expressed, and it has extended to Devon; it is as strong in Devon now as in Cornwall.

2891. In the course of the many complaints that have been made to the magistrates, have you been able to ascertain what the general feeling is as to the constitution of the boards for county expenditure?—Yes, I will come to that presently; I have explained that people thought there was more work in Mr. Hicks, who was superannuated, at the asylum, and they were very angry, and thought we ought to have given him less, or have made him work longer; there was more feeling on that than there was with regard to the gaoler, because he was older, but I think that there was some little anger expressed at his having the full two-thirds of his salary as his pension, according to Act of Parliament, but that wore off after a while; but latterly there has been an increase to the salary of the present gaoler, in consequence of his having to take charge of the prisoners of three other gaols; the feeling is very strong, and they fancy that if they had a voice in the arrangement of county matters they could do things much more cheaply. They were very angry also with regard to our buildings; they think that if they had been on the police committee, they could have assisted, and that they could have driven better bargains than the police committee did with regard to the purchase of land; we have been obliged to buy land very dearly, and land is very dear in Cornwall generally.

2892. In what proportion do they wish to be on the financial board?—As far as I could learn, some time ago they would have been very pleased if they could send one and one, that is to say, if they had one from every board of guardians, and if there were the same number of magistrates as themselves, they would have been perfectly satisfied.

2893. How many boards of guardians are there in the county?—Thirteen.

2894. Do you agree with the last witness, who spoke to the state of Cornwall, that the quarter session of the county of Cornwall are well attended by the magistrates?—I wish to be very honest

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honest with regard to my county. Lately we have had a good deal to discuss, more especially about this addition to the salary of the governor of the gaol, and we have had a very large attendance, because there has been a very strong feeling and strong divisions. But I must say, that in the county of Cornwall, after the first day, after the county business is over, the attendance is very slack indeed, and I should say much more slack than it ought to be. We have two courts, and very frequently it is a very great difficulty to get magistrates enough to have three in each court.

2895. But from your knowledge of the way in which the county finance is managed, do you think that there is that attention given to it on the part of the magistrates which is required?—I should say, first of all, I do not think it is possible that it can be done much better than it is now; for instance, with regard to the county lunatic asylum, every item is gone through, first of all, by the committee themselves, and I am satisfied that every pound of beef has been added up, in spite of the odd farthings, for 20 years. I think I, myself, went through hundreds of thousands of pounds, and I never found but one shilling mistake in my life, and that only in one instance. At the gaol there is a committee who go through every item and look at every voucher; and with regard to the police, everything goes through the police committee, the accounts of last year are taken and each tested, and if there is an increase in any one article, whether it is hay or saddlery expenses or cart expenses, the chief constable is at hand to ask why there is this increase; there is not an item that is not gone through. With regard to the bridge surveyor's accounts, there is no bridge committee, but if there be anything beyond 4 *l.* or 5 *l.* to expend, the magistrates in the district are formed into a committee, in order to consult with the surveyor before the surveyor reports the next year. So that every possible care is taken to audit those accounts. The day before, or two days before the quarter sessions, the accounts always go before the general finance committee, to be overhauled in every particular branch. I do not think it is possible, so far as examination goes, that the finances can be better managed than they are in the county of Cornwall.

2896. Is there a finance committee appointed at the general meeting of the quarter sessions?—Yes, there is a finance committee appointed.

2897. Is it re-appointed every year?—It is re-appointed every year; there may be one or two changes, but the same persons are generally in; I think it not impossible that if there were a mixture of parties, in some instances a saving might be made, and I will tell you why. For instance, in the purchase of land for sites for the police, if there were a mixture of yeomen, they are so sharp and so acute at a bargain, that I find a gentleman has hardly any chance with them when he goes to deal with them himself; therefore from that very reason I draw this argument, that if they were with us they would drive better bargains than we do. Besides that, they are very prying, they will make inquiries, and will sift a thing well; it is their habit to buy and to sell, and to make bargains. I have dealt with boards of guardians and have found them exceedingly useful and exceedingly sharp, and through having had experience myself, I am very glad every now and then to have assistance from some of those very acute men, and I have found that they were a very great help.

2898. Are the magistrates generally amongst the chief ratepayers of the county?—I should think in some parts of the county they are; but we have very few very large proprietors amongst the magistrates in the Western Division; the clergy were many years ago, a very considerable number of them, magistrates, but the last two lords lieutenants have never appointed a clergyman except in a district where they could not possibly get a good landed proprietor; I know instances where they preferred asking a respectable yeoman, and endeavoured to get him to act rather than appoint a clergyman; so that we have, comparatively speaking, but few clergymen now upon the bench, but among the ratepayers we have a great many, and in the northern part of the county especially a great many of what we call substantial yeomen (though Cornwall, on the whole, is a poor county), who are ratepayers, and it is that class of men that we have about Torpoint, men having 150 *l.* or 200 *l.* a year of their own, who feel very strongly upon this point.

2899. What is your own opinion with regard to financial boards?—My own opinion has been for years that it would be very desirable to have financial boards; and Mr. Robartes, my colleague, is of the same opinion; and the two Members for the Western Division of the county are of the same opinion; and I know many large landed proprietors in Cornwall who are strongly of the same opinion, and many who say "We do not expect to save anything, but it is fair that those who pay the rates should have a voice, and we think it will add to the peace and comfort of the county if they should form part of the financial boards." The only thing which I have not discussed is that which I perfectly agree to, which is getting the elective guardians to send one of their number to meet the magistrates. I have not heard that discussed much in the county, so as to be able to offer an opinion whether or not I think it would work well. I have worked very well with boards of guardians in business matters, and I should have no fear myself, and I think it would work well; but I am quite sure that unless those elected members join the various committees, they will never be able to form a correct opinion as to what is really wanted. I should also suggest this: that the board of guardians should have the power of electing some one who had been on the board of guardians, as well as out of the then existing board of guardians, because it sometimes happens that after awhile one or two of the best men like to rest a little, and they might happen to be out of office just at the time, and they would be the best men, perhaps, to put upon the financial board.

2900. Would you put the whole of the county finances into their hands; for instance, the magistrates being responsible for the peace of the county, would you take the police out of the hands of the magistrates?—No; I think not. It is a very difficult matter to say how I would work it, for this reason, because the administration of the police would be partly magisterial and partly financial. Where anything had to do with the law or the administration of the law, I would confine it entirely to the magistrates; but if there was anything at all connected with the finance of

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of the county, I would give that to the representatives of the ratepayers, and give them a voice. It would be a very difficult thing to work out, but it might be arranged, I think.

2901. What would you say with regard to the management of the gaols?—With regard to the management of the gaols, I should not be at all afraid to place some of those who were on the financial board upon the committee for the management of the gaols. I would let a part of them be upon the gaol committee.

2902. You would put them on the gaol committee with a view to their exercising their judgment upon the finance; but would you give them equal power with the magistrates with regard to the regulation of the gaol?—No, I think not; I would confine them entirely to financial matters, and I think that would satisfy them; they think, and I consider with reason, that they do contribute largely to the taxes; it is no use to say that the landlord pays them for them, for the landlord does not; many things are put on after they take their estates, and they are charged, and they ought to have a voice; I think that they would be perfectly satisfied if they had a place on the committee, so that they might see how the money was expended; that being done, I do not think that they wish to interfere in any way with anything magisterial.

2903. Is not the system in Cornwall generally to grant leases?—Leases are very general. I should think there are very few cases of annual lettings. Within these last 40 or 50 years, the system in Cornwall has been ruinous. The property has been based on lives. A man merely paid 15 years' purchase, and perhaps paid a fine of 1 *l.* upon an estate of 100 acres, and those who came after in reversion waited patiently until the lives died off. Now, that system has been found to be so ruinous that it is dying out; but I do not think you would get men to take even short leases now. First of all, the leases began at 10 years; then it was 14, and now you can hardly get a good tenant unless he gets security for 21 years.

2904. Do you think that that has anything to do with the discontent, that they have taken their farms for 21 years, and their rates are increased upon them, for which they did not provide in taking their lease?—Quite so; that is a very large element of discontent, and more especially with this question of the police, which they never dreamt of; it is a hardship upon them, and a very great hardship.

2905. Mr. *Wyld*.] The first symptoms of discontent on the part of the ratepayers, as I understand you, was when the superintendent of the asylum was superannuated?—Yes, it began very largely then.

2906. Did not the superintendent of the asylum, after his superannuation, hold an office in the county for which he was paid?—Yes; at the time he was in the asylum he held the office of clerk to the union, and he continues that still.

2907. Although he was superannuated, as being too old to carry on the duties of the asylum, still he carried on an office in the county for which he was paid?—Yes.

2908. And which he was capable of carrying on?—Yes; but I think it is fair to state this, that I am quite sure that if we had then a committee of elected ratepayers, they would have agreed with the visitors that so much work had been done in 20 years by the superin tendent that he had fully earned all his superar nuation; that was our feeling; people generall did not know what work he had done, could n be judges, and therefore the feeling was, at an rate, the stronger, because they had not bee there to judge of the work that he had done.

2909. But yet he was capable of carrying o an office in the county?—Yes; and I hope h will do so for many years; he is one of the bes men of business that I now know. I think ou Chairman, who knows him, will agree with me; know no one like him.

2910. He carried on another office after he ha been superannuated, for which he received salary?—Yes; and he would be very glad t carry on another now, from what I have seen.

2911. You also stated that the discontent wa somewhat added to by the increased salary of th governor of the gaol?—Yes, very much; it is very strong feeling.

2912. It is through two or three local gaol being abolished and concentrated in the gaol a Bodmin, of which he was governor?—Yes.

2913. But were there more prisoners in th gaol than what he contracted for, or what he wa understood to take the government and control o when he took office?—He did not contract at al for any number; he contracted to superintend th county gaol of Cornwall, and when we adde three district gaols to it, which were separat from the county gaol, he then applied for an in crease, and that increase was granted, and th increase was 100 *l.* a year.

2914. Is there a strong feeling that he ough not to have more than 50 *l.* a year extra?—N doubt, and there is even a strong feeling that h ought to have nothing at all extra.

2915. Has the number of prisoners increased in the county gaol in consequence of that addition?—Yes, I believe so, because the committee made a calculation, and we thought it would add a quarter part, very nearly; but the reason why it was suggested by the committee was this, that as Falmouth was now connected by railway, and was likely to be a very increasing place, and as Falmouth sent up more in proportion than any other part of the county, we suggested that we would give him 100 *l.* a year, and that that should be final, because the committee thought that we might have to pay a great deal more if Falmouth increased in the way we expected. That was the economical view that we took.

2916. The gaol was built for the accommodation of a certain number of prisoners, was it not? —When the gaol was built we did our best to have it smaller; we appealed ourselves, and as chairman of the committee, I appealed to the Home Office, and I asked to have the gaol reduced, but they would not do it, and we were obliged to build it, so that up to this moment it is rather more than we want for the number of prisoners.

2917. Did not some dissatisfaction arise also from the large expense in the building of the county gaol?—Yes, that did arise; but as I told you, we did our best in order to induce the Home Office to allow us to build it smaller, which they would not do. And I should then tell you that it is one of the best gaols in England, and the contractor lost 1,500 *l.* in the building.

2918. Therefore, though the gaol cost a large sum of money, it was very cheaply executed?—

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ough it cost a large sum of money, it is one
the best gaols in England, and the cheapest.

2919. I believe some dissatisfaction has been
pressed about the erection of the police station
Bodmin ?—Yes ; very great.

2920. Was not a large sum of money given
the land per acre ?—Yes.

2921. Do you know what the sum was per
e ?—I forget the sum, but I know it was a
ry large sum of money ; but I also know this,
t the committee tried again and again to get
ne site, but it was so very difficult that they
ld not succeed. This site was thought to be
y good. I do not know whether I was in the
nty at the time, but I take my share of the
me, if blame there be.

2922. Was not a portion of the land that was
t required sold afterwards at a very diminished
ue ?—Yes, it was sold afterwards ; but it was
d at public auction.

2923. But for a less price than the county
ve for it ?—I suppose it might have been so,
ause the person who would buy it would not
e to buy a piece of land close under the
tion.

2924. The feeling in the county of Cornwall
not so much a feeling of distrust in the magis-
tes, but a wish that the ratepayers generally
uld have a share in the administration of the
nty funds ?—Yes ; I think so. I do not think
t there is any feeling against the magistrates as
ody. I think there may be against one or two,
the independence which they have shown, I
nk that there is generally a very kindly feeling
ween all parties in Cornwall ; but I am afraid
t it will not last, if there be no financial
rds, I think, and that the good feeling will
much cemented if financial boards are estab-
hed.

2925. From your knowledge of the members of boards of guardians, do you think that there would be any difficulty in choosing men of sufficient education and intelligence, to be associated with the magistrates upon the financial boards ?—If you were to ask me my own experience of the board which I am in the habit of acting with, there never was a time at which I could not have selected two or three men who would have given assistance, and with whom the magistrates would have willingly associated.

2926. The county of Cornwall from its topographical features is, perhaps, the most inconvenient county in England, the distance from the exterior to the centre being about the largest of any in England, excepting the county of York ?—Yes.

2927. Taking from Penzance to Bodmin, it is about the longest distance that exists in any county between the county town and the extreme point of the county ?—Yes.

2928. Do you think that there would be any difficulty in getting members elected from the board of guardians to attend the county financial board from the extreme parts of the county ?—I cannot tell ; I think they would attend every now and then ; I do not think they would attend very regularly, because the moment they became convinced from actual observation that the magistrates were doing their work well, I think they would be very much satisfied, and the power of coming whenever they liked, and overhauling everything, and voting on any particular occasions, would perfectly satisfy them.

2929. I may take it that you think, taking the county of Cornwall generally, you would find members of boards of guardians sufficiently intelligent to be associated with magistrates as members of the county financial board ?—I quite think so.

Friday, 26*th June* 1868.

MEMBERS PRESENT:

Lord Edward Cavendish.
Admiral Duncombe.
Sir William Gallwey.
Mr. Heneage.
Lord Henley.
Mr. Henniker-Major.
Mr. Kavanagh.
Mr. Kendall.
Mr. Neville-Grenville.
Colonel Wilson Patten.
Mr. Read.
Mr. Scourfield.
Mr. Wyld.

COLONEL WILSON PATTEN, IN THE CHAIR.

FRANCIS HENRY DICKINSON, Esq., called in; and further Examined.

F. H. Dickinson, Esq.

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2930. *Chairman.*] WE understand that you wish to make some addition to the evidence which you gave to the Committee?—I wish to add an explanation with regard to Question 707, where Mr. Eagles states, "All of our salaries are higher than those in any other county; for instance, the salary of our medical superintendent of the asylum is 100 *l.* more than that of the same officer in the county of Devon, and they are all in the same proportion." The salaries of our medical superintendents have been always the same as in Devon. We fixed it originally at 500 *l.*, as they did, and when our superintendent had been several years with us we raised it 100 *l.*, as they did in Devon. That superintendent in Devon, Dr. Bucknell, has been appointed a Commissioner in Lunacy, and they have now put it at 500 *l.* Our superintendent, Dr. Boyd, is now pensioned, and we have appointed another man at 500 *l.* Since I wrote to you I have seen the evidence of Sir William Miles, and there are one or two things which I wish to notice with regard to what he said. At Question 2227 he says, "Mr. Dickinson and myself are of opinion that we never shall be safe in getting things done economically until we have an auditor appointed." Now I have always thought that an auditor was not necessary, and Sir William Miles is under some misapprehension there. I merely wish to correct that. It is quite immaterial what my opinion about an auditor might be; but as Sir William Miles stated that I agreed with him, I wish to say that I do not.

2931. Why do you think that an auditor is not necessary?—It seems to me that either the magistrates or the financial board would audit themselves; two of them will take the bills and the accounts and compare them, and they can do all that is necessary and all that would be done by an auditor. If they found anything wrong they would refer it to the rest of the committee; of course they would have the power of calling in a man, when they wished to have him, to cast up any accounts and to help them, but it seems to me that what he could do they could do themselves.

2932. Have you any other suggestion which you would wish to make to the Committee?—At Question 2324 Sir William Miles was aske "Is your treasurer the treasurer of the Coun Lunatic Asylum as well," and he answer "yes." He was under some misapprehensi there, for we have a different person altogeth A very important question is next asked him an honourable Member of the Committee: "The I see he does allow a certain amount of intere how comes that to pass?" and he put it upon to explain that. We have had a large balan for the asylum, and we have had a certa amount of interest, not quite so much as I thoug we should have had, allowed upon it, and we fi having a large balance an extremely convenie thing, because our balance at the asylum depen ing upon the price of the provisions and t stock we have in hand, and the building fund a thing which fluctuates very much, and witho having a considerable balance it is not at all co fortable, because we have been as much as 900 on the wrong side of the book at times.

2933. Mr. *Wyld.*] Do not you think it wou be better that that money should be fructifyi in the ratepayers' pockets than placed in a ba without interest?—The ratepayers would not li to pay interest upon a balance against us, and t balance has been as much against us as 900 *l.* made out a calculation this morning to show ho the balance has fluctuated. At the end of 18 there was due to the treasurer of the asylu 972*l.* At the end of the next year we had balance in our favour of 845*l.* At the end of 18 we had a balance of 1,936*l.* At the end of 18 3,278 *l.* At the end of 1865, 3,032 *l.* Then at t end of 1866, it came down to 1,165*l.*, and it rather lower now. When the balance fluctuat so much as that, it is an embarrassing thing f the chairman to consider what he should do.

2934. Is your average balance under 3,000*l.* —Yes, our agreement is, that our balance shou be always 1,000*l.*, and that if we are less tha that we should pay interest, and if more than th we receive one per cent. less interest than t bank gives its customers. I do not think th those are handsome terms, but that is what done. Sir William Miles has stated in one of h answers at No. 2277, that he thinks that M Eagles has called our attention to little thing

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we have adopted several of them. I am not re that he really has done us any good by his erference; it is only fair to say that.

935. *Chairman.*] That is a matter of opinion. . Eagles says that since he has paid attention hese matters, several economical arrangements e been made in the county of Somerset, is t so?—I do not think that any alterations of ortance have been made. We make out a rterly account, which I think is no particular d, and which costs a sum of 60*l.* a year, and ich we send to our ratepayers; but I do not any particular good in that.

936. Did he not direct attention to the fact t there was a balance standing in favour of the nty due from Wells?—I do not think that it his doing that that was found out; it is not my ression that he found it out.

937. Are these the only additions which you re to make to your evidence?—Yes, unless re is anything else which the Committee wish rmation upon.

938. Mr. *Kavanagh.*] Coming back to what Chairman said a minute ago about Wells, e you read Mr. Eagles's answer about that at 655?—Yes.

939. Is that correct?—I think it is correct; I do not see it stated there that he found it

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2940. You said, in reply to the Chairman, that you did not think that an auditor was necessary. If an auditor had been in office at that time, do you think that that would have happened?—I do not see how an auditor could have found it out, any more than we could have found it out ourselves.

2941. How was it found out at the end?—I am not sure; I think it was by accident; I think Sir William Miles explained about it, that there was a rise in the cost of the police, and that it was forgotten to be charged against those boroughs.

2942. Do not you think that an auditor would have prevented that omission?—Mr. Eagles very correctly said that an auditor, if he was a permanent man, would soon sink down into an ordinary county official, and that the proposed auditor should be a man changed from time to time. If he were a permanent officer, he ought to know of those things, and correct them; but if he was merely a man appointed from time to time, I do not see how he could know them.

2943. Still you think that if there really was an efficient person appointed as auditor, he might or would have found this out?—It is possible; but then you must pay a really efficient person well.

Sir Massey Lopes, Bart., a Member of the House, Examined.

944. *Chairman.*] I BELIEVE you have paid siderable attention to the subject which we e to inquire into, especially with regard to county of Devon?—I have.

945. I believe that you are of opinion that tional control should be given to the rate- ers over their county expenditure?—Yes, I and I have been requested by the different nbers of agriculture in the county of Devon xpress their views, as well as those of the payers generally, in favour of county finan- boards.

946. Will you state briefly what are the rs of the chambers of agriculture in the nty of Devon?—I do not think that they ct to the present management, as far as the istrates are concerned; but they think that are constitutionally entitled to have a voice he expenditure of the funds which they have urnish. I think that that is their general . There has been no feeling adverse to the istrates at all; at the same time, they think they have not sufficient information, and are under the impression that they might ble to create some economy in the expendi- .

947. Have you been present at any meetings re the matter has been discussed?—Yes, I .

948. Has it been put forward in speeches a general discussion upon it?—At one or of the chambers of agriculture, notice has given of the subject to be discussed, and the payers have come there with the knowledge it was going to be discussed, and they have n generally a part in the discussion.

949. At those discussions, have any com- nts been made against any particular item of nditure, in your county?—No, I think not; nk that the general feeling of the ratepayers

Sir *M. Lopes,* Bart., M.P.

in Devonshire is, that they are perfectly satisfied that the magistrates have done their best; but they consider that they ought, at the same time, to have a voice in that expenditure. We have been very particular in Devonshire; we send our finance accounts to every union, so that they have an opportunity of seeing how the money is expended, but at the same time I think that they have a feeling that they would be more satisfied if one or two of their body were represented upon the finance committee; I should say that this feeling has been growing for some little time; and the way that I account for it is this, that the increase of local taxation of late years has rather impressed upon them the idea that they might save what they have been expending or obliged to pay in that way, by economy in the financial arrangements, as far as the county expenditure is concerned.

2950. Have the county rates in the county of Devon increased on the average within the last few years?—They have increased, but not to a great extent; but I account for it in this way, that in the year 1864 we had the Union Assessment Act, which very much increased the rateable value of the county. There was scarcely a parish in which the rateable value was not very much increased, and of course that same amount has been placed all over that large expenditure; that is to say, if a parish had been only rated at 3,000 *l.* before, which now has been increased to 4,000 *l.*, of course there is a lesser amount in the pound now upon that 4,000 *l.* than there was upon the 3,000 *l.*

2951. Do you think that if it had not been for the carrying out of that Act in Devonshire, the county rates would have been larger now than they were a few years ago?—There is no question about it; perhaps I may add that within the last two years we have had the county rate very much increased, we have had a fresh valuation.

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2952. Is the police establishment of the county of Devon a large one?—I think it is 321.

2953. You have a superintendent, of course?—Yes.

2954. Will you state what his salary is?—We give him a salary of 400 *l.* a year, and 100 *l.* for expenses.

2955. What is the sum total of your police expenses?—It is 23,057 *l.*

2956. Do you believe that the ratepayers of the county of Devon would be satisfied to leave the management of their police in the hands of the magistrates?—Yes, I think they would.

2957. Do you think that the feeling in the county of Devon amongst the ratepayers would be this, that the magistrates being responsible for the peace of the country, ought to have the management of the police in their own hands?—Yes, I think that would be so; but I think that if we had a financial board composed of people selected from the ratepayers, it would have this good effect, that they would then be enabled to find out that there really are very few things which the magistrates have any control over; as far as the police are concerned we have very little or no control whatever. We had a case a short time since where the magistrates were adverse to increasing the number of the police; the inspector came down and told us that if we did not do so, he should not recommend the payment of one-fourth of the expense to which we are entitled from Government; we had no alternative, we were obliged to do it; and it is the same with all the other matters; for instance, with regard to our lunatic asylum or gaol, we have very little control with regard to those expenses, and I think that it would be very desirable that the ratepayers should be aware of that; I do not think that they are at present; the only thing that they would have the power of controlling would be the salaries of the officers.

2958. You have a lunatic asylum, have you not?—Yes.

2959. What is the number of visiting magistrates altogether?—I think it is 14 or 15.

2960. Do you think that it is desirable to have so large a number of visiting magistrates to the lunatic asylum?—I do not think it is.

2961. What number should you suggest?—I think that a committee of about seven would always do more work than any other number.

2962. If you are to have a combined committee of ratepayers and magistrates, do you think then that seven would be sufficient?—My only objection to the honourable gentleman's Bill is, that if you have a representative from each union, in our county for instance, where there are 24 unions, you would have 24 representatives from the boards of guardians, and 24 magistrates to meet them, and I think that that would be too cumbrous. I think that if the 24 elected by the guardians were, as a body, to select five from their number to meet an equal number of magistrates, they would do more work, and do it more efficiently.

2963. You would have five elected visiting members on the lunatic asylum committee, and five magistrates?—Yes, an equal number.

2964. As you have 24 unions in Devonshire, your suggestion would be this, that each union should select a member to represent the guardians, and then those members should split themselves into committees in the same way as the magistrates do; but you would object to the whole body of representatives of the ratepayers, as body, interfering in any one department?—Yes I think to a certain extent, I would.

2965. What duties do the finance committee undertake with you?—I think that there are five magistrates with us who attend more particularly to all finance matters.

2966. Do they exercise any control over the lunatic asylum or gaols, independently of the visiting committees?—No; the visiting committees have the entire control there, but there is no great expenditure by them which is allowed unless it comes before the quarter sessions and is approved of.

2967. Then the finance committee do not exercise the duty of expressing an opinion upon the expenditure, either on the gaols, or the lunatic asylum, or anything else?—No, I think not.

2968. Any more than any other magistrate?—No. Those things come before the whole body of magistrates.

2969. You would suggest a finance committee, the same as at present, with the same powers, but that one-half of that committee should consist of the ratepayers of the county, and one-half of magistrates?—Yes.

2970. With exactly the same powers?—Yes, precisely.

2971. How would you arrange with the representatives of the county ratepayers in the expenditure of large sums; say for a lunatic asylum, or any great work in the county; would you give the whole of those representatives a voice in it, or would you do it by a committee?—I would do it by a committee.

2972. Then you would give additional power to the finance committee over what it has now?—I think I would; but at the same time all large accounts should come before the magistrates in quarter sessions.

2973. How would you arrange the execution of any great work in the county of Devon, under the system which you suggest?—I think that you must have an equal number of magistrates, and an equal number of ratepayers forming the finance committee, and then those must decide upon any great expenses that are to be put upon the county.

2974. Then you would take from the magistrates, as a body, the power which they now have of deciding upon those large works, and you would confide that power entirely to a committee formed of the representatives of the ratepayers and of magistrates?—I think at the same time that those large works must come before the magistrates as an entire body. I think that they must, to a certain extent, be approved of by them; also, I do not think that it would be satisfactory if you gave the large expenditure, for instance, of a gaol or lunatic asylum entirely to those ten men.

2975. Then I understand you to say that for the purposes of this large expenditure, or I may say, for the original expenditure of moneys, you would allow each board of guardians to send up a deputy to the court of quarter sessions to act with the body of the magistrates in these matters?—Yes.

2976. Seeing that that would not give an equality to the ratepayers, you still think that the fact of their having that voice in the public expenditure would give them satisfaction?—Yes, I think it would, because it would give them information, which information they could impart to the guardians.

ns. When their representative has got that
ormation, he is able to answer questions at his
n board of guardians, and that would probably
y a little irritation which very often occurs,
l a little dissatisfaction also.

2977. Was that plan discussed at any of those
etings of the chambers of agriculture?—I do
think that at any meeting that I have ever
ended, they have ever had any plan of repre-
tation. There has been nothing decided; they
e simply gone upon the general principle.
rhaps the Committee will allow me to say that
hink that it would be very desirable if there
ld be some uniformity of accounts throughout
the counties. I think that if that were the
e you would be able to compare the different
enses of different counties, and where some of
salaries, for instance, were very much higher
n in others, you would naturally ask the ques-
, for what reason, and I think that it would
d very much to equalise the payments in all
counties.

978. Do you mean a system of accounts for all
counties in England and Wales?—Yes, by a
edule.

979. And you would make it obligatory on
se financial boards as constituted under your
gestion to keep their accounts in a particular
nner?—I would.

2980. Could you state under what heads you
nk it would be desirable that those accounts
uld be kept?—I should simply take the lunatic
lums and the gaols, and I would put down every
ry and all the payments. Taking first the
e of the gaols, or the police, and stating all the
aries, of course you would be able very soon
compare the amounts paid in one county,
ether they were more or less than in another.

2981. I presume that if you allowed the con-
l of the police to remain with the magistrates,
u would still enforce upon the magistrates the
ty of publishing their accounts in the same
y?—Yes, undoubtedly; I think that the more
se things are ventilated the better.

2982. You put down the salary of the superin-
dents and of each class of constables?—
s.

2983. Would you have a public audit?—I
nk that it would be very desirable if you could
e get uniformity.

2984. How are your accounts in the county
Devon audited?—They are done by five
gistrates. We have a gentleman at the
ad of them who is a most practical man, very
ll known to all here, Sir John Duckworth;
takes the greatest possible interest in these
tters, and there is the greatest confidence
ced in him.

2985. Does each of those five magistrates
ix his name to the accounts, to say that he has
dited the account?—Yes, to every account;
d every account is audited.

2986. Have you a copy of your accounts with
u?—Yes, here is the quarterly account (*hand-
g in the same*).

2987. How do you publish your accounts; do
u always send them round to the boards of
ardians?—Yes; we also publish them in the
wspapers, but not so much in detail. There
another account, which gives the salary of
ery officer, and it also gives the wages of every
liceman (*handing in the same*). I may also say
at I am connected with the county of Wilts,
d there we are just as particular. Our accounts are even more in detail than those which you see there. There was a great deal of dissatisfaction before we sent those accounts regularly round to all the unions, and I think that that dissatisfaction has been very much allayed. Even with regard to the county bridges in Devon, we never do anything till we send down what is proposed to be done to each petty sessional district, so as to show them what is proposed before any work is put in hand.

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2988. How is your finance committee elected? —They have been the same body for some years; but nominally they come every year for election.

2989. Do you know how they originally were elected; was it by the election of the magistrates, or is there any rule with regard to their coming from the petty sessional divisions?—There is no rule at all; they are taken generally from the body of magistrates.

2990. How many magistrates are there in the county?—I think about 250.

2991. Is there a large attendance at the quarter sessions?—A very large attendance when they go into the accounts the first day. I daresay we have had as many as 100 the first day.

2992. Are the accounts discussed?—Yes, minutely. There is nothing done without it is put upon our agenda paper, some 14 days before, so that notice goes round to every magistrate of anything that is proposed to be done. We do not give an allowance to a policeman even without that.

2993. It is all done in open court, is it not?— —Yes, it is all done in open court; there is a large attendance of ordinary people there. I do not know that they are all ratepayers.

2994. Do the proceedings generally appear in the newspapers?—Yes, always, in full.

2995. Have you any other suggestions that you wish to offer with regard to the future management of county expenditure?—No; but I can only say that in the county in which I reside the people are universally in favour of financial boards. And I certainly am of opinion that it would be very desirable to have them. I am sure that it would give a great deal of satisfaction. I do not mean to say that there would be a very great attendance after a certain time, because our county is particularly situated; for instance, some unions are 60 miles from the county town, and we could hardly expect the representatives of the guardians to attend them regularly; but I am satisfied that if they had the power even of attending, it would allay a good deal of dissatisfaction which now exists.

2996. How far is the farthest union in your county from the county town?—By rail fully 60 miles.

2997. Do you think that the guardians in your county would undertake the duty free of expense?—I think that they would. I think even if there were not guardians among them that would do it now, it would be a kind of confidence shown in the men who represent the different districts; that it probably might induce a man with means to come forward as guardian, which he would not do now. I do not see any objection myself to the chairman and vice-chairman of a board of guardians being eligible as representatives. I think that the honourable gentleman's Bill does not permit that; but with us the general rule is, that an *ex-officio* guardian is the chairman, and that an ordinary ratepayer is the vice-chairman

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vice-chairman, and it is also the case with us in the highway boards; we always find that the ratepayers elect an *ex-officio* as their chairman, and an ordinary ratepayer as their vice-chairman.

2998. In your board of guardians, do you go through the process of election, or how is it arranged?—It is a fresh election every year.

2999. The chairman and vice-chairman are always proposed and passed?—Yes, always proposed and passed. I was myself vice-chairman of the board of guardians 10 or 12 years; the gentleman did not act who was chairman; and I have been chairman of the highway board ever since its existence.

3000. Is the Highway Act enforced throughout the whole of Devonshire?—Yes, it is, from end to end; there was a great feeling against it at first, but I do not think that it exists now.

3001. It has been suggested to the Committee, that it would be better to leave the election of the county finance board to the highway district, rather than to the Poor Law guardians, inasmuch as the highway district is invariably within the county, and some of the Poor Law Unions are partly in one county and partly in another; what is your opinion about that?—I should strongly be in favour of their being selected from the board of guardians.

3002. How would you deal with those unions where a portion of the union is in another county? —I do not think we have any instances of that.

3003. But there are instances, are there not? —Yes; but still the instances would be very exceptional, I think; of course I only speak of the parts that I know myself; it never has occurred to me to consider the question; I might mention with regard to the highway board that there was a strong feeling against the highway board with us when we first commenced it; but with regard to the expenses, we find that although we have made a great many improvements in the roads the rate only averages 8½*d.* in the pound now by the last return.

3004. Could you compare that with the expenditure previously?—It was generally exceeding that; I think it was above 1 *s.*, but I cannot speak positively; but certainly our roads have improved; we have made many alterations in widening, and so on.

3005. How many years was it after the passing of the Act before you adopted it?—We adopted it almost immediately; I think we were one of the first districts in our part of Devonshire that took it up.

3006. Mr. *Neville-Grenville.*] When you said that the boards of guardians should elect the representatives, you would not confine their choice either to the board or to the district, would you? —I should rather be inclined to confine it to the board for this reason; I only speak of my own district, and with us, those who are elected as guardians are generally those who have the confidence of the other ratepayers; and also I think that they have more means and more power of giving their time to the business; I think that from having the confidence of the ratepayers they would be the best persons, and they would also have the means of giving information afterwards to their own parishioners.

3007. Would you allow them to elect *ex officio* guardians?—I can see no objection to that at all, if they chose to do it, and I think in many instances with us they would do it.

3008. Would the decision of an amalgamate board, namely, a board consisting of ratepaye and magistrates be final, or would the court as present have the power of overruling it?—Ou finance committee at present have no power themselves; they submit everything to the cou of quarter sessions; they have no power to expen money without their leave and license. I shoul not be inclined to give them more power tha they have at present; I think it ought to go before the whole board afterwards.

3009. Would the auditor be a Governmen officer auditing the accounts?—I can see no objection at all to his being a government officer he would be able to do a vast deal more work tha the work of one county, because of course tha would be very little; he would have the mean himself of comparing the income and expenditur of different counties, and he could give the benefi of his advice very frequently in that way.

3010. *Chairman.*] When you say that th average highway rate is 8½ *d.* in the pound, I see by this statement that you have put in that tha applies to the district of Roborough, but you di not intend it to apply to the whole of the county of Devon?—No, I am speaking of my own district.

3011. Mr. *Wyld.*] You stated that the chamber of agriculture have expressed opinions in favou of county financial boards; are the chambers o agriculture in your county constituted of the principal ratepayers and influential people in the county?—They are; we have three large county chambers of agriculture, the central chamber, and one at each end, and besides that, we have smaller chambers which are attached to them in different districts, but they are universally in favour of county financial boards.

3012. Are you of opinion that the chambers of agriculture are the true exponents of public opinion?—They are unquestionably.

3013. Does that observation apply to the county of Wilts, as well as Devon?—Yes; I have not attended them so much in Wiltshire. I do not know the state of things there so well as Devonshire, but I do not think that the feeling has been quite so extensive there.

3014. Are you of opinion that there is a universal feeling among the ratepayers of Devonshire that county financial boards should be established?—Undoubtedly.

3015. Although, as you have stated, your accounts are published in detail, and are also brought before the open court, and published in the newspapers, yet notwithstanding all this very excellent system, according to the present belief of county expenditure, still there is a feeling in the county that the ratepayers should be represented on the county financial boards?—There is.

3016. And that feeling, as I understand you, is in favour of the general principle?—It is.

3017. You have not given any particular attention as to the details, have you?—I do not think that at any of the boards which I have attended there has been any plan suggested; they have spoken more with regard to the principle than gone into detail.

3018. Are you of opinion that elected members of the board, to be elected by boards of guardians, would be acceptable to the ratepayers of the county of Devon?—Yes, I have no doubt they would, and I do not think that the magistrates would have any objection whatever to act with them.

3019. Is

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019. Is that the best machinery, in your opi-
n, for electing the members of the county
ncial boards?—Yes, I think it is; my only
ection is from the numbers; it may be a little
cumbrous, but I think it very probable that
r a short time they would not attend so regu-
y, and it would get into the hands of a fewer
nber, and that difficulty might be got over in
t way.

020. You stated that the Bill, which I have
honour to present to the House, prevents the
ction of either the chairman or the vice chair-
n of a board of guardians, as a representa-
e on the county financial board; perhaps
may have been aware that it is the object of
Bill to permit the election of any ratepayer,
ner, or occupier, to a certain amount?—I am
y glad to hear it, because my impression is
t they generally would elect the chairman,
ether as *ex officio* guardian or not, because as
ule, he has the confidence of the rest of the
rdians, and he is the man who gives his atten-
to the minutiæ of the different matters in
ch he is concerned.

021. The qualification for a member of the
nty financial boards being only an owner or
upier up to a certain rental, do you think that
gistrates would be elected by the ratepayers,
well as by the magistrates, that is to say, that
ratepayers would elect them to be members
county financial boards?—I think it is very
bable they would. There is no feeling what-
r in the county of Devon as against the magis-
es personally. I think there is a general im-
ssion that they have done their best to econo-
e the finances of the county.

022. As I understand you, it is your opinion
t there should be uniformity in the county
ounts for the whole of England?—Yes, that
ny impression.

023. And that there should be an auditor
pointed?—Yes.

024. Will you do me the favour to look at
use 128 of the County Financial Boards Bill,
ch provides for the appointment of auditors?
ly opinion is that it would be very desirable
t such a power should exist.

025. By that system there would be a general
lit?—Yes; I think by that means you would
uniformity after a certain time, which I think
st essential.

026. And an audit by experienced men?—
s.

027. It is proposed by this clause to enact
t, "It shall be lawful for the Commissioners
Her Majesty's Treasury to combine the coun-
of England and Wales into districts for the
lit of accounts, and from time to time add any
nty to any such district, or separate any
nty therefrom, and to appoint an auditor (not
ng a member of any county financial board)
each such district, and such auditor shall ex-
ine and audit, once in every year, the accounts
every county financial board in his district,
the accounts of their several officers, and the
mmissioners of Her Majesty's Treasury shall
e power from time to time to remove any au-
r appointed by them, and to appoint another
litor in the place of the auditor so removed;
they shall also have power to fix the salary
every such auditor, to be charged on the county
es, and ascertain and fix the proportions in
ich the same shall be contributed by the counties composing the district of such auditor." Do you approve of that?—I quite concur in that.

3028. Mr. *Scourfield*.] Who is your treasurer in Devonshire?—Mr. Paul.

3029. Is he a professional man?—He is a solicitor.

3030. Do you leave large balances in his hand?—Yes, but we take interest for every amount that he has got in hand.

3031. What is his salary?—£. 360. He is treasurer of the lunatic asylum, and the gaol, and everything. I know that there was some little increase given him about two years ago, because, before that time he had the benefit of the interest upon any sums at the bank, and we took that away, and gave him some little addition instead.

3032. Are your unions of very unequal size in Devonshire?—Yes, they are, because there is a great deal of common, uncultivated land.

3033. Are they unequal with regard to value?—Yes, they are.

3034. Would not there be a difficulty with regard to the election of members of the financial board arising from the inequality in the value and size of the unions?—I do not think that, because some of the land in Devonshire is very good, and that is pretty nearly together; the greater proportion of it is very bad and rough; towards the moor, for instance, they are all very small holdings, and the only difficulty, perhaps, that there would be with us would be the difficulty of getting a man who was sufficiently well off to be able to go to the expense of attending the county financial board.

3035. Has your lunatic asylum in Devonshire been built some time?—Yes; we have increased it of late years.

3036. What is the average weekly expense of a pauper in the asylum?—I can hardly tell you.

3037. Is there any dissatisfaction about the asylum?—None whatever.

3038. It is not the subject of complaint?—Not the least. I may say to the Committee that I do not think that at any meetings of the chambers which I have attended there has been any dissatisfaction expressed as regards the magistrates; it is generally the constitutional principle that they go upon, namely, that the ratepayers ought to have a voice in the expenditure.

3039. Lord *Henley*.] In the financial boards which you have referred to, there would be at least one half magistrates, would there not?—Yes.

3040. Then you would probably find in such a Board as that that the magistrates, owing to the greater leisure which they have, and being richer men, would generally be the better attendants, would they not?—Yes, I think so; but at the same time I think that that is a very indifferent matter, because if the ratepayers had the power of sending a certain equivalent number there, it would be their own fault if they did not attend.

3041. But when they did attend, would they not practically always find themselves in a minority?—I think it is possible that a great many would not attend.

3042. Are you aware of what the system of representation of ratepayers in towns is?—No, I am afraid I do not know sufficient to offer an opinion upon that.

3043. You are not aware of the fact that the

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ratepayers there are fully represented in the management of the expenditure of the rates?—I am afraid that I do not know very much about the management in towns.

3044. Supposing that it is so, would it not be unfair to keep the ratepayers in counties in a worse position than the ratepayers in towns are, with respect to their rates?—I do not see that myself; you give a man an opportunity of attending, and he, as the representative of a certain number of people, has a certain responsibility attaching to him, and if he does not fulfil that responsibility, I think they would substitute some other man for him.

3045. Mr. *Henniker-Major.*] According to the Superannuation Act, the chief constable of a county is allowed to have a pension without paying any per-centage out of his salary year by year; do you think that is fair?—No, I think not; I was not aware of the fact, but if it is so, I certainly do not consider that it would be fair.

3046. The proposal which I have heard made, is that he should pay 2 or 2½ per cent. out of his salary; do you think that that would be unfair?—No, I think that he should do that; if he is to receive any benefit he certainly should pay his quota, the same as anyone else.

3047. With regard to the highway Act, you stated that in your highway district the rates had been reduced about 3½ *d.* in the pound; was that reduction in the cost of management of the roads effected at once, the first year?—No, I think our rates the first two years were quite as much as they were previous to our adopting the Highway Act.

3048. Were they not more?—No, I think not, but we have reduced them certainly, lately.

3049. To what do you attribute that reduction?—In a great measure it is owing to the railways; we had to improve byeways which have become important from being accesses to the railways, and we laid out some considerable sum upon them, and now having got them into a proper state of repair our expenses have not increased; we ha not had anything but the ordinary expense of pairs, we have had no new cuts or any wideni of roads, or anything of that kind since.

3050. You are speaking of the first two ye when the expenses were greater?—Yes.

3051. Since that I suppose it is conside that the decrease in expenditure arises entir from good management?—We consider that it

3052. Mr. *Kendall.*] With regard to the att dance of those elected members of the coun financial boards, do you not think that on a matter of moment coming on you would be qu sure to have a full attendance of those who w elected?—I am certain of it; during the time wh I attended the board of guardians if there w anything which interested the guardians, a salary, or anything of that kind to be discuss we always had a very large attendance.

3053. Do not you think that the person w was elected by a board of guardians would almost morally compelled to attend in case of an thing of moment coming on?—I have no doubt would; I think that would be the feeling.

3054. And if he did not attend, you think would be perfectly satisfied that things were goi on nicely and well?—Yes.

3055. If there were 20 unions in a count there would be 40 members constituting t financial board, which would be a very u wieldy number; would you allow, say the magistrates on one side, and the elected 20 on t other side, to choose five members to form committee upon any particular matters?—Th was my proposal just now; I thought that th only difficulty was that from so many represent tives, the numbers would be cumbrous, and th they would be competent to do very little b ness.

3056. But that you would leave entirely the counties themselves to decide?—Entirely that is only a suggestion of mine; I have n thoroughly worked it out in my mind.

JOHN HENRY SCOURFIELD, ESQ., a Member of the Committee, called in; and Examined.

J. H. Scourfield, Esq., M.P.

3057. *Chairman.*] I understand that you wish to make some statement to the Committee?—I have been requested by Colonel Lewis, a gentleman of the highest respectability in Cardiganshire, to make a statement on his behalf, or to put in a statement of his, with regard to the unions in that county; and I will just read to the Committee a brief extract from his letter, in which he says—"Dear Mr. Scourfield,—Would you kindly bear in mind, when on the financial board committee, the very peculiar position the county of Cardigan occupies as regards its union districts; and if it is proposed to send members from each union to form a county board, the fact that no less than four unions out of seven in th county are partly in one county and partly i another should be prominently shown; otherwise the three remaining ones, though intact would absolutely be in a minority. Taking on of those four districts out of Cardigan as an example, there are nine parishes in Cardigan shire, while there are 17 in Pembrokeshire. I it is proposed to send two members from these nine parishes to the board, the union of Aberys with, with 30 parishes, will, undoubtedly, not b properly represented. Nay, more, the four semi unions sending eight members, out-number th remaining three, with only six members."

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Appendix, No. 5.

Papers put in by Sir William Miles, and referred to in his Evidence, 19 June 1868—(Referred to in Answers to Questions 2162 and 2194):

Tables showing the present Grades, Classification, and Pay of the Somerset Constabulary, together with the Secretary of State's New Rates of Pay, and the Revised Scheme for the Pay of the Members of your Police Establishment - - - 179

APPENDIX.

pp. No. 1.

Appendix No. 1.

PAPERS delivered in by the Right Honourable the Lord *Kesteven*, 5 June 1868.

PARTS OF KESTEVEN, COUNTY OF LINCOLN.

	£.	s.	d.
North - -	- 1,772	14	11
South - -	- 993	18	9
Total Valuation for County Rate - £. 664,004.——Rate at 1 *d.* in the £., produces -	£. 2,766	13	8

	General Rate.		General Rate if both Divisions were Amalgamated.	Police Rate.	Total County Rate.		Special Lunatic Asylum Rate.
	North.	South.					
	d.	*d.*	*d.*	*d.*	*s.*	*d.*	*d.*
Year ending Michaelmas 1858 -	1½	1¾	1⅝	1¾	-	3⅜	—
Ditto - ditto - 1859 -	1½	2¾	2⅛	1¾	-	3⅞	—
Ditto - ditto - 1860 -	1¼	1½	1⅜	1¼	-	2⅝	—
Ditto - ditto - 1861 -	1⅝	1½	$1\frac{9}{16}$	1¼	-	$2\frac{13}{16}$	—
Ditto - ditto - 1862 -	1½	1½	1½	1½	-	3	—
Ditto - ditto - 1863 -	1¼	2¼	1¾	1½	-	3¼	—
Ditto - ditto - 1864 -	1	1¼	1⅛	1½	-	2⅝	-⅞
Ditto - ditto - 1865 -	1½	1⅝	$1\frac{9}{16}$	1¼	-	$2\frac{13}{16}$	-½
Ditto - ditto - 1866 -	⅞	1⅜	1⅛	1½	-	2⅝	—
Ditto - ditto - 1867 -	1¼	1¾	1½	1⅝	-	3⅛	—
				10)	2	6¼	1⅜
					-	3	

PARTS OF KESTEVEN, COUNTY OF LINCOLN.

DIGEST of EXPENDITURE for Ten Years from 1858 to 1867.

—	1. Expenses of Rural Police.	2. Conveyance of Prisoners to Gaol and of Transports.	3. Expenses of Falkingham Prison, including Repairs.	4. Expenses of Prosecutions.	5. Shire Hall, Judge's Lodge, $\frac{4}{7}$th of $\frac{1}{2}$ contributed by Kesteven.	6. Expenses of Justice Rooms, &c.	7. County Lunatic Asylum, Kesteven, Proportion $\frac{18}{80}$ths.	8. Maintenance of Pauper Lunatics.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
-	4,663 1 –	71 18 6	970 5 2½	435 13 8	600 – –	98 16 2	900 – –	23 9 7
-	4,803 7 1	77 14 10	903 13 2	289 9 11	600 – –	226 14 5½	360 – –	45 3 2
-	5,262 1 5¾	55 4 –	882 15 9	358 13 4	657 2 9½	94 10 –½	391 18 11¼	51 15 8
-	5,707 5 10½	62 19 –	1,136 6 3¾	347 7 7	628 11 4	108 17 3	180 – –	22 14 9
-	5,366 9 7½	69 10 9	905 18 –	445 12 10	685 14 2	101 3 11	405 – –	22 1 7½
-	5,250 1 1¾	56 – 6	901 14 1	408 6 10	571 8 4	100 1 8½	405 – –	30 4 5
-	5,126 6 11¼	99 8 9	934 18 4¾	370 4 6	542 16 11	169 11 4½	1,800 – –	20 19 5
-	5,097 5 –	98 3 6	790 5 5¼	339 – 3	571 8 4	88 2 6½	2,115 – –	33 12 11¼
-	5,296 17 –½	82 16 6	941 17 3½	278 7 8	571 8 4	292 14 –½	- - -	21 13 4
-	5,702 16 10	34 17 7	1,027 6 –	366 1 8	485 14 1	124 2 6	225 – –	23 2 3
TAL -	52,275 12 –¼	708 13 11	9,394 19 7¾	3,638 18 3	5,914 4 3½	1,404 14 –	*6,781 18 11¼	294 17 1¾

—	9. Militia Storehouses.	10. Lockups.	11. County Bridges and Roads.	12. Salaries, Clerk of Peace, County Surveyor and Treasurer.	13. Coroner's Expenses, including Salary.	14. Inspectors of Weights and Measures.	15. Printing and Advertising, including 65 *l.* for Register of Voters.	16. Incidentals and other Expenses.	17. TOTAL.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
-	914 5 7	1,474 3 4	38 3 –	990 – –	310 14 9	146 18 5	256 7 –	522 13 7	12,416 9 9½
-	200 – –	1,976 7 1	165 16 10	990 – –	315 6 8	44 16 1½	237 8 9	445 2 –¼	11,681 – 1¼
-	- -	564 14 2	80 8 6	990 – –	325 17 11	40 9 –½	207 12 –	460 9 3½	10,423 12 11
-	- -	- -	50 1 7	990 – –	263 – 5	46 11 4½	230 4 –	442 10 3	10,216 9 8¾
-	857 3 –	- -	51 2 5	990 – –	302 9 –	48 – –	249 – –	420 15 10	10,920 1 2
-	485 14 4	- -	60 8 8	990 – –	358 8 6	54 – –	268 17 –	386 16 8	10,327 2 2¼
-	- -	- -	143 15 3½	990 – –	273 14 6	48 – –	295 13 7	374 17 4	11,190 7 –
-	- -	- -	37 10 10	965 – –	319 9 6	54 17 –½	258 16 10	350 12 9	11,119 4 11½
-	- -	- -	64 8 3	1,015 – –	260 10 –	81 6 2	304 15 3	373 19 6	9,585 13 4½
- -	- -	- -	79 6 3	965 – –	323 16 6	50 11 –	345 13 3	363 13 8	10,117 1 7
TAL -	†2,457 2 11	†4,015 4 7	771 1 7½	9,875 – –	3,053 7 9	615 9 2	2,654 7 8	4,141 10 10¾	107,997 2 9¾

* These are special rates, principally for fabric of Asylum.

† These are extraordinary expenses.

App. No. 2.

Appendix, No. 2.

PAPERS delivered in by the Rev. *J. Shepherd Birley*, 5 June 1868.

AMOUNT of RATES Assessed at the ANNUAL SESSIONS, and ordered to be levied by Orders of Quarter Sessions held in July, October, January, and April, 1866–67.

Valuation of Property on which the Rate is levied.	Heads of Accounts for which Rates are assessed and levied.	June, October, December, and April, 1866–67.		July 1866.		October 1866.		January 1867.		April 1867.		Total Rate in the £. levied.	Total levied.	Balance remaining unlevied.
		Rate of Assessment in the £.	Assessment.	Rate in the £. levied.	Amount of Rate levied.	Rate in the £. levied.	Amount of Rate levied.	Rate in the £. levied.	Amount of Rate levied.	Rate in the £. levied.	Amount of Rate levied.			
£.		d.	£. s. d.		£. s. d.	d.	£. s. d.	d.	£. s. d.	d.	£. s. d.	d.	£. s. d.	£. s. d.
6,080,059	General Purposes	13/16	20,583 10 7	3/16	4,750 – 11	–	– –	5/8	15,833 9 8	–	– –	13/16	20,583 10 7	—
6,080,059	Lunatic Asylums	1/4	6,333 7 11	1/16	1,583 7 –	–	– –	3/16	4,750 – 11	–	– –	1/4	6,333 7 11	—
6,080,059	Lunatic Asylums' Loan Account	13/48	6,861 3 7	1/12	2,111 2 8	–	– –	3/16	4,750 – 11	–	– –	13/48	6,861 3 7	—
5,803,218	County Bridges	–	—	–	—	–	—	–	—	–	—	–	—	—
4,748,576	General Police, Head Quarters	7/48	2,885 8 5	1/12	1,648 16 4	–	– –	1/16	1,236 12 1	–	– –	7/48	2,885 8 5	—
209,218	North Lonsdale Local Police	2½	2,179 7 1	1½	1,307 12 3	–	– –	1	871 14 10	–	– –	2½	2,179 7 1	—
173,749	South Lonsdale ditto	1¾	1,266 18 5	1	723 19 1	–	– –	¾	542 19 4	–	– –	1¾	1,266 18 5	—
144,653	Garstang ditto	1¾	1,054 15 3	1¼	753 8 –	–	– –	½	301 7 3	–	– –	1¾	1,054 15 3	—
178,949	Kirkham ditto	2⅛	1,584 8 10	1½	1,118 8 7	–	– –	⅝	466 – 3	–	– –	2⅛	1,584 8 10	—
284,873	Lower Blackburn ditto	2⅝	3,115 15 10	1⅝	1,928 16 5	–	– –	1	1,186 19 5	–	– –	2⅝	3,115 15 10	—
374,045	Higher Blackburn ditto	2	3,117 – 9	1¼	1,948 3 –	–	– –	¾	1,168 17 9	–	– –	2	3,117 – 9	—
111,104	Bacup & Rawtenstall ditto	2⅛	983 14 9	1½	694 8 –	–	– –	⅝	289 6 9	–	– –	2⅛	983 14 9	—
248,795	Leyland ditto	1 15/16	2,008 10 –	1 3/16	1,231 – 4	–	– –	¾	777 9 8	–	– –	1 15/16	2,008 10 –	—
283,482	Bolton ditto	1½	1,771 15 3	1	1,181 3 6	–	– –	½	590 11 9	–	– –	1½	1,771 15 3	—
363,483	Bury ditto	2	3,029 – –	1⅜	2,082 8 11	–	– –	⅝	946 11 1	–	– –	2	3,029 – –	—
353,692	Rochdale ditto	1 11/16	2,486 18 –	1 3/16	1,750 – 10	–	– –	½	736 17 2	–	– –	1 11/16	2,486 18 –	—
125,711	Ashton ditto	2¾	1,440 8 10	1½	785 13 11	–	– –	1¼	654 14 11	–	– –	2¾	1,440 8 10	—
530,707	Manchester ditto	2	4,422 11 3	1¼	2,764 2 –	–	– –	¾	1,658 9 3	–	– –	2	4,422 11 3	—
339,222	Kirkdale ditto	3¼	4,593 12 7	1¾	2,473 9 10	–	– –	1½	2,120 2 9	–	– –	3¼	4,593 12 7	—
245,378	Ormskirk ditto	2⅜	2,428 4 4	1⅜	1,405 16 2	–	– –	1	1,022 8 2	–	– –	2⅜	2,428 4 4	—
371,365	Prescot ditto	2¾	4,255 4 5	1⅞	2,901 5 9	–	– –	⅞	1,353 18 8	–	– –	2¾	4,255 4 5	—
205,309	Warrington ditto	2¼	1,924 15 7	1½	1,283 3 8	–	– –	¾	641 11 11	–	– –	2¼	1,924 15 7	—
204,841	Wigan ditto	2¼	1,920 7 7	1½	1,280 5 1	–	– –	¾	640 2 6	–	–	[illegible]	[illegible]	

App. No. 2.

3,575,256	Preston and Kirkdale Gaols - - - - -	9/16	8,379 10 –	3/16	2,793 3 4	–	- -	3/8	5,586 6 8	–	- -	9/16	8,379 10 –	–
3,575,256	Ditto - - - ditto - - Loan Account	1/8	1,862 2 3	1/8	1,862 2 3	–	- -	–	- -	–	- -	1/8	1,862 2 3	–
2,504,803	Salford Gaol - - - - - - -	1/4	2,609 3 5	–	- -	–	- -	1/4	2,609 3 5	–	- -	1/4	2,609 3 5	–
2,504,803	Salford Hundred New Gaol - - - -	1/2	5,218 6 10	1/4	2,609 3 5	–	- -	1/4	2,609 3 5	–	- -	1/2	5,218 6 10	–
382,967	Lonsdale Hundred Bridges - - - -	1/8	199 9 3	–	- -	–	- -	1/8	199 9 3	–	- -	1/8	199 9 3	–
323,602	Amounderness - ditto - - - -	1/8	168 10 10	1/8	168 10 10	–	- -	–	- -	–	- -	1/8	168 10 10	–
929,266	Blackburn - - - ditto - - - -	3/16	725 19 9	1/16	241 19 11	–	- -	1/8	483 19 10	–	- -	3/16	725 19 9	–
248,795	Leyland - - - ditto - - - -	5/16	323 19 1	3/16	194 7 5	–	- -	1/8	129 11 8	–	- -	5/16	323 19 1	–
2,504,803	Salford - - - ditto - - - -	1/8	1,304 11 8	–	- -	–	- -	1/8	1,304 11 8	–	- -	1/8	1,304 11 8	–
1,413,785	West Derby - - ditto - - - -	13/48	1,595 8 3	1/12	490 17 11	–	- -	3/16	1,104 10 4	–	- -	13/48	1,595 8 3	–
2,504,803	Chairman of Salford Sessions' Salary - -	1/16	652 5 10	–	- -	–	- -	1/16	652 5 10	–	- -	1/16	652 5 10	–
4,082,799	Manchester Assize Courts - - - -	1	17,011 13 4	–	- -	1/2	8,505 16 8	–	- -	1/2	8,505 16 8	1	17,011 13 4	–
		–	120,297 19 9	–	46,066 17 4	–	8,505 16 8	–	57,219 9 1	–	8,505 16 8	–	120,297 19 9	
6,080,059	Special rates levied at the July and January Sessions, 1866-67, for the purposes of the "Cattle Diseases Prevention Act, 1866," amounting to 1¼ d. in the £. - - - -												31,666 19 7	
													151,964 19 4	

ORDERS CHARGED ON BOROUGHS DURING THE YEAR 1866-67.

Valuation.	Boroughs.	General Purposes.	Lunatic Asylums.	Lunatic Asylums' Loan Account.	County Bridges.	Hundred Bridges.	TOTAL.	
£.		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
204,332	Bolton - - - - -	438 3 5	232 8 8	298 18 8	19 5 –	110 17 10	1,099 13 7	
2,287,065	Liverpool - - - - -	4,555 15 –	2,452 7 3	3,022 10 5	63 1 5	481 1 9	10,574 15 10	
1,373,664	Manchester - - - - -	3,240 19 9	1,689 2 6	2,283 13 2	138 5 10	824 16 5	8,176 17 8	
84,847	Wigan - - - - -	189 16 6	99 17 11	131 8 10	- -	- -	421 3 3	
	£.	8,424 14 8	4,473 16 4	5,736 11 1	220 12 3	1,416 16 –	- -	20,272 10 4

TOTAL Amount of Rates and Orders - - - £. 172,237 9 8

SUMMARY of the Amount of RATES in the POUND actually levied in each, or Parts of each, POLI DISTRICT of the COUNTY, for different Purposes, from 1st June 1866 to 31st May 1867.

Hundreds.	Districts.	General Purposes.	Lunatic Asylums.	Lunatic Asylums' Loan Account.	General Police.	Local Police.	Gaols.	Preston and KirkdaleGaols Loan Account.	Salford Hundred New Gaol.	Hundred Bridges.	Chairman of Salford Sessions' Salary.	Manchester Assize Courts.	Cattle Plague.
		d.	d.	d.	d.	d.	d.	d.	d.	d.	d.	d.	d.
Lonsdale	North Lonsdale	$\frac{13}{16}$	$\frac{1}{4}$	$\frac{13}{48}$	$\frac{7}{48}$	$2\frac{1}{2}$	$\frac{9}{16}$	$\frac{1}{8}$	–	$\frac{1}{8}$	–	–	$1\frac{1}{4}$
	South Lonsdale	$\frac{13}{16}$	$\frac{1}{4}$	$\frac{13}{48}$	$\frac{7}{48}$	$1\frac{3}{4}$	$\frac{9}{16}$	$\frac{1}{8}$	–	$\frac{1}{8}$	–	–	$1\frac{1}{4}$
Amounderness	Garstang	$\frac{13}{16}$	$\frac{1}{4}$	$\frac{13}{48}$	$\frac{7}{48}$	$1\frac{3}{4}$	$\frac{9}{16}$	$\frac{1}{8}$	–	$\frac{1}{8}$	–	–	$1\frac{1}{4}$
	Kirkham	$\frac{13}{16}$	$\frac{1}{4}$	$\frac{13}{48}$	$\frac{7}{48}$	$2\frac{1}{8}$	$\frac{9}{16}$	$\frac{1}{8}$	–	$\frac{1}{8}$	–	–	$1\frac{1}{4}$
Blackburn	Lower Blackburn	$\frac{13}{16}$	$\frac{1}{4}$	$\frac{13}{88}$	$\frac{7}{48}$	$2\frac{5}{8}$	$\frac{9}{16}$	$\frac{1}{8}$	–	$\frac{3}{16}$	–	–	$1\frac{1}{4}$
	Higher Blackburn	$\frac{13}{16}$	$\frac{1}{4}$	$\frac{13}{48}$	$\frac{7}{48}$	2	$\frac{9}{16}$	$\frac{1}{8}$	–	$\frac{3}{16}$	–	–	$1\frac{1}{4}$
	Bacup and Rawtenstall	$\frac{13}{16}$	$\frac{1}{4}$	$\frac{13}{48}$	$\frac{7}{48}$	$2\frac{1}{8}$	$\frac{9}{16}$	$\frac{1}{8}$	–	$\frac{5}{16}$	–	–	$1\frac{1}{4}$
Leyland	Leyland	$\frac{14}{16}$	$\frac{1}{4}$	$\frac{13}{48}$	$\frac{7}{48}$	$1\frac{15}{16}$	$\frac{9}{16}$	$\frac{1}{8}$	–	$\frac{5}{16}$	–	–	$1\frac{1}{4}$
Salford	Bolton	$\frac{13}{16}$	$\frac{1}{4}$	$\frac{13}{48}$	$\frac{7}{48}$	$1\frac{1}{2}$	$\frac{1}{4}$	–	$\frac{1}{2}$	$\frac{1}{8}$	$\frac{1}{16}$	1	$1\frac{1}{4}$
	Bury	$\frac{13}{16}$	$\frac{1}{4}$	$\frac{13}{48}$	$\frac{7}{48}$	2	$\frac{1}{4}$	–	$\frac{1}{2}$	$\frac{1}{8}$	$\frac{1}{16}$	1	$1\frac{1}{4}$
	Rochdale	$\frac{13}{16}$	$\frac{1}{4}$	$\frac{13}{48}$	$\frac{7}{48}$	$1\frac{11}{16}$	$\frac{1}{4}$	–	$\frac{1}{2}$	$\frac{1}{8}$	$\frac{1}{16}$	1	$1\frac{1}{4}$
	Ashton	$\frac{13}{16}$	$\frac{1}{4}$	$\frac{13}{48}$	$\frac{7}{8}$	$2\frac{3}{4}$	$\frac{1}{4}$	–	$\frac{1}{2}$	$\frac{1}{8}$	$\frac{1}{16}$	1	$1\frac{1}{4}$
	Manchester	$\frac{13}{16}$	$\frac{1}{4}$	$\frac{13}{48}$	$\frac{7}{48}$	2	$\frac{1}{4}$	–	$\frac{1}{2}$	$\frac{1}{8}$	$\frac{1}{16}$	1	$1\frac{1}{4}$
West Derby	Kirkdale	$\frac{13}{16}$	$\frac{1}{4}$	$\frac{13}{48}$	$\frac{7}{48}$	$3\frac{1}{4}$	$\frac{9}{16}$	$\frac{1}{8}$	–	$\frac{13}{48}$	–	–	$1\frac{1}{4}$
	Ormskirk	$\frac{13}{16}$	$\frac{1}{4}$	$\frac{13}{48}$	$\frac{7}{48}$	$2\frac{3}{8}$	$\frac{9}{16}$	$\frac{1}{8}$	–	$\frac{13}{48}$	–	–	$1\frac{1}{4}$
	Prescot	$\frac{13}{16}$	$\frac{1}{4}$	$\frac{13}{48}$	$\frac{7}{48}$	$2\frac{3}{4}$	$\frac{9}{16}$	$\frac{1}{8}$	–	$\frac{13}{48}$	–	–	$1\frac{1}{4}$
	Warrington	$\frac{13}{16}$	$\frac{1}{4}$	$\frac{13}{48}$	$\frac{7}{48}$	$2\frac{1}{4}$	$\frac{9}{16}$	$\frac{1}{8}$	–	$\frac{13}{48}$	–	–	$1\frac{1}{4}$
	Wigan	$\frac{13}{16}$	$\frac{1}{4}$	$\frac{13}{48}$	$\frac{7}{48}$	$2\frac{1}{4}$	$\frac{9}{16}$	$\frac{1}{8}$	–	$\frac{13}{48}$	–	–	$1\frac{1}{4}$

LANCASHIRE CONSTABULARY.—Present Scale of Pay.

31st May 1868

RANK.	On Appointment.								After 3 Years' Service.								After further Service of 4 Yea						
	Daily.		Weekly.			Annually.			Daily.		Weekly.			Annually.			Daily.		Weekly.			Annuall	
	s.	d.	£.	s.	d.	£.	s.	d.	s.	d.	£.	s.	d.	£.	s.	d.	s.	d.	£.	s.	d.	£.	s.
Chief Constable	-	-	-		-	500	–	–	-	-	-		-	500	–	–	-	-	-		-	500	
Assistant Chief Constable	-	-	-		-	300	–	–	-	-	-		-	300	–	–	-	-	-		-	300	-
Chief Clerk	-	-	-		-	150	–	–	-	-	-		-	180	–	–	-	-	-		-	210	-
Superintendent	-	-	-		-	140	–	–	-	-	-		-	160	–	–	-	-	-		-	180	-
Assistant Clerk	5	6	1	18	6	100	7	6	6	–	2	2	–	109	10	–	6	6	2	5	6	118	12
Inspector	5	–	1	15	–	91	5	–	5	3	1	16	9	95	16	3	5	6	1	18	6	100	7
Serjeant	3	10	1	6	10	69	19	2	4	–	1	8	–	73	–	–	4	2	1	9	2	76	-
Constable, 1st Class	3	4	1	3	4	60	16	8	3	5	1	3	11	62	7	1	3	6	1	4	6	63	17
" 2nd "	3	2	1	2	2	57	15	10	—		—			—			—		—			—	
" 3rd "	3	1	1	1	7	56	5	5	—		—			—			—		—			—	
Class of Merit	–	2	–	1	2	3	–	10	—		—			—			—		—			—	

The undermentioned Ranks were raised to their present Rate of Pay, as above, on the following Dates:

Inspectors - - - - - - - 1st January 1866.
Assistant Chief Constable - -
Chief Clerk - - - - -
Superintendents and Assistant Clerk - - - - - } - - 1st July 1866.
Serjeants and Constables - - - - 1st January 1868.

Authorised Strength of the Force on the 31st May 1868, with the Pay of each Rank as above:

1 Chief Constable.
1 Assistant Chief Constable.
20 Superintendents.
19 Inspectors.
2 Clerks.
123 Serjeants.
692 Constables.

TOTAL - - 858

Appendix, No. 3.

PAPERS delivered in by the Rev. *J. King Eagles,* 16 June 1868.

PARTICULARS OF COUNTIES, No. 1.

County.	Area in Acres.	Population.	Valuation.	Bridges.			Coroners.		
			£.	£.	s.	d.	£.	s.	d.
et - - -	1,051,498*	358,854*	1,948,035*	1,433	3	3†	1,651	17	4†
- - -	1,598,501	402,624	1,831,322	1,790	4	4	1,154	7	–
- - -	624,758	159,585	841,776	653	5	7	494	19	10
ster - -	799,273	351,602	1,502,761	331	10	9	950	19	3
h - - -	1,742,329	343,241	Not stated -	246	5	–	1,422	8	9
ire - - -	799,033	237,622	1,130,925	843	2	–	1,313	–	11
k - - -	1,333,440	317,295	1,773,436	599	19	4	885	13	3
- - -	1,053,777	313,803	1,426,288	441	12	7	1,043	12	9

.—The figures in the columns marked* are taken from the "Constabulary Official Register for 1868," and exclude ghs not under County.

figures in the columns marked† are taken from the balance sheets. Somerset, Devon, and Gloucester from those 7; the rest from those of 1865 and 1866.

SALARIES OF COUNTY OFFICIALS.

unty.	Treasurer.	Clerk of the Peace.			County Surveyor.			Chief Constable.			Governor of Gaol.							
	£.	£.	s.	d.	£.	s.	d.	£.	s.	d.		£.	s.	d.	£.	s.	d.
rset -	450	1,800	–	–	363	11	6	700 and house			Taunton - - Shepton - -	461 298	10 10	– –	760	–	–
n -	350	1,150	–	–	Mixed up with other accounts in balance sheet.			600	–	–	- - - - - -				400	–	–
t -	200	500	–	–	200	–	–	450	–	–	- - - - - -				300	–	–
cester -	60	1,100	–	–	353 (including clerk of works.)	–	–	550	–	–	Gloucester Gaol - Prisons remand -	340 38	– 8	– –	378	8	–
oln -	250	2,185	7	1*	220	–	–	700	–	–	Not separately stated in all divisions.						
- -	230	1,028 (Bills and salary 500 *l.*)	6	2	230	–	–	525	–	–	Devizes - - Salisbury - -	250 335	– –	– –	585	–	–
olk -	230	1,200	–	–	300	–	–	575	–	–	Norwich Castle - Swaffham - - Wymondham -	350 200 80	– – –	– – –	630	–	–
s -	160	887	17	3†	230	–	–	450 and house			- - - - - -				340	–	–

* County divided into three parts, separate accounts, and apparently more than one clerk.

† Of this the salary is 440 *l.*

App. No. 3.

PARTICULARS OF COUNTIES.—No. 2.

COUNTY.	Cost of Gaols.			Police Force.	Cost of Police.			General Account.		
	£.	s.	d.		£.	s.	d.	£.	s.	d.
Somerset - - - -	10,064	5	8	286*	23,812	12	6	25,593	3	3
Devon - - - - -	4,967	3	–	334	22,584	5	5	15,855	1	10
Dorset - - - -	3,234	17	8	132	11,324	–	–	13,015	5	3
Gloucester - - -	6,231	–	6	288	24,079	2	–†	14,398	–	5
Lincoln - - - -	8,430	12	4¼	269	20,935	16	5	21,558	3	8½
Wiltshire - - - -	3,855	9	–	201	14,841	9	11	13,960	–	–
Norfolk - - - -	5,880	15	5	231	16,949	2	9	17,974	8	6
Hants - - - -	7,992	12	–	260	21,500	18	9	21,450	12	6

N.B.—The column of figures marked * is taken from the "Constabulary Official Register for 1868;" the others from the county balance sheets; those of Somerset, Devon, and Gloucester, for the year ending 1867; Hants, 1866; the rest from those of 1865. The latest I have.

† Considerably over 2,000 *l.* of this was for the purchase of land, and buildings, and heavy repairs, of an exceptional character.

The assessments of Counties under the recent Act are so incomplete, some being completed and others not, that no dependence can be placed upon rates in the pound based upon present valuations. Somerset is completed, and, under the new Assessment Act (I believe 2,221,000 *l.*), the rates raised for the General Account amounted to 1¾ *d.* in the pound, and for the Police 2¼ *d.*—Total, 4 *d.* in the pound for the year ending Michaelmas 1867, which, in this county, is high per acre. A rate at a farthing in the pound, for the purposes of the General Account, produces rather more than a similar rate for the Police Account. I think in the county of Somerset there is a difference on a farthing rate of about 200 *l.*

13 June 1868. *J. King Eagles.*

PAPER handed in by the Rev. *J. Shepherd Birley,* and referred to in his Evidence, 5 June 1868.

COUNTY OF LANCASTER.

SALARIES of the Principal Officers.—(Referred to in Q. 200.)

GAOLS.	Number of Prisoners.	Governor.	Chaplain.	Roman Catholic Minister.	Surgeon.	Matron.	Gross Annual Expenditure for 1867.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
ancaster Castle - - -	200	325 – –	200 – –	- - -	80 – –	80 – –	3,996 2 6
reston Gaol - - -	345	400 – –	300 – –	100 – –	125 – –	80 – –	8,858 5 6
irkdale Gaol - - -	361	550 – –	350 – –	150 – –	200 – –	100 – –	10,732 15 11
alford Gaol - - -	567	550 – –	350 – –	- - -	180 – –	120 – –	14,611 – 2

ASYLUMS.	Number of Lunatics.	Superintendent.	Chaplain.	First Assistant Medical Officer.	Second Assistant Medical Officer.	Treasurer and Clerk.	Steward.	Matron.	Gross Annual Expenditure.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
ancaster Asylum	1,000	‡600 – –	†300 – –	*120 – –	*103 – –	†100 – –	‡190 – –	*100 – –	21,936 19 8
restwich Asylum	1,000	§750 – –	§300 – –	*100 – –	*100 – –	†175 – –	*130 – –	*100 – –	27,349 19 11
ainhill Asylum -	670	*450 – –	‖300 – –	*100 – –	* 60 – –	- -	¶350 – –	*100 – –	18,629 15 10

* Boarded and lodged. † Neither board nor lodgings. ‡ Part board. § House, coal, and gas. ‖ House. ¶ Acts also as treasurer and clerk.

Bridgemasters and Surveyors of County Bridges.	Salary.	Annual Expenditure.
	£. s. d.	£. s. d.
Lonsdale Hundred, North -	40 5 –	198 2 4
Ditto - ditto South -	47 10 –	149 3 4
Amounderness Hundred -	88 – –	437 9 5
Blackburn Hundred - -	120 – –	798 17 7
Leyland Hundred - -	32 – –	319 11 11
Salford Hundred - - -	190 – –	3,006 11 1
West Derby Hundred - -	210 – –	1,470 17 –

District.	Coroners.	Salary.	Number of Inquests.	Number of Miles Travelled.
		£. s. d.		
Blackburn Hundred -	Mr. Hargreaves -	348 – –	262	1,542
Salford - - -	Mr. Rutter - -	940 – –	601	3,682
	Mr. Dearden - -	515 – –	367	1,851
West Derby - -	Mr. Driffield - -	690 – –	461	6,117
	Mr. Galloway - -	3 – –	2	—
	Mr. Marsh - -	1 12 –	1	12
Amounderness and Leyland - -	Mr. Myres - -	280 – –	190	1,129
	Mr. Walker - -	13 – –	10	29
Lonsdale - -	Mr. Butler - -	88 – –	61	329
	Mr. Holden - -	94 – –	75	642
		TOTAL -	2,030	15,333

Sixteen Inspectors of weights and measures (being superintendents of police), allowed per annum for expenses, each, 30 *l.*
One independent inspector of weights and measures (not connected with the constabulary), salary, 90 *l.*
Chairman of Salford Sessions, 600 *l.*
County treasurer, 800 *l.* per annum; pays his clerks and ordinary travelling expenses.
Chief constable, 500 *l.*, and travelling expenses.
Assistant ditto, 300 *l.* - ditto.
County auditor, 350 *l.* - ditto.
Clerk of the peace, paid by fees.

The gross expenditure of county, 281,000 *l.* per annum.

June 1868.

(signed) *J. Shepherd Birley.*

App. No. 3.

(Referred to in Q. 215.)

STANDING ORDERS for the Regulation of the COURTS OF ANNUAL GENERAL SESSIC for the County of *Lancaster*.

I.—*The Holding of Sessions.*

1. That in pursuance of the statute 38 Geo. 3, c. 58, s. 8, there shall be holden an annual general session of the peace at the town of Preston, in the said county, on the Thursday next following the Feast of St. John the Baptist in every year, viz., the 24th day of June, and so many adjournments thereof from time to time as occasion shall require; one of which adjournments shall be on the second Thursday in September (or on such other Thursday in that month as may not interfere with the assizes), for the general transaction of the county business, and the consideration of the county accounts, which have been produced at the first annual general session; and the other adjournments shall be ordinarily on the Thursday prior to the holding of the quarter sessions in January and April.

2. That special general sessions may be held by order of three justices of the peace complying with the conditions of Statute 38 Geo. 3, c. 58, s. 11.

3. That the clerk of the peace shall give fourteen days' notice to every acting justice, of the holding of every session, and every adjournment thereof, except adjournments from day to day.

4. That the clerk of the peace, in the summons for any meeting of the court, shall insert, in addition to such matters as may be ordered by the chairman or any committee, all subjects for which notice of motion shall have been given according to the rule hereinafter contained.

II.—*The Offices and Duties of Chairman and Vice-Chairman.*

1. That the chairman of the sessions shall be elected annually upon the adjournment day of the general session held in September.

2. That upon the death or resignation of the chairman of the sessions, a new chairman shall be elected on the adjournment day which shall happen next after such death or resignation; and the chairman so elected shall continue in office until the day of the next general session in September.

3. That the chairman of the sessions shall be, *ex-officio*, a member of every committee appointed by the court, excepting the committees for conducting the affairs of the lunatic asylums.

4. That a vice-chairman shall be elected by the court annually, in like manner as the chairman is elected; who, in the absence of the chairman shall have all the powers and exercise all the privileges enjoyed by the chairman. That upon the death or resignation of the vice-chairman, a new vice-chairman shall be elected in the same manner as, on the death or resignation of the chairman, a new chairman shall be elected, and shall continue in office in like manner as the said chairman.

That if at any annual general or adjourned general session of the peace the chairman vice-chairman shall both be absent, the jus then assembled shall choose one of their num then present to be the chairman of the meeti

III.—*Notices of Motion.*

1. That all notices of motion shall be sent the clerk of the peace, in writing, twenty- days before the holding of the annual gene session, or any adjournment thereof; and all s notices shall be dated and numbered as receiv and entered in a book to be kept for that purp in the office of the clerk of the peace, which b shall be open to the inspection of every justi

2. That motions for which such notices sh have been given, shall have precedence accord to the order in which the notices were giv matters brought specially before the court by chairman, or on the report of any committ excepted.

IV.—*The Proceedings on Session Days, Gene or Adjourned.*

1. That the time for commencing busin upon each session day shall be ordinarily elev o'clock.

2. That minutes of the proceedings of the s sions shall be fairly entered in a book to be ke for that purpose.

3. That at every session the business me tioned below shall ordinarily take precedence all other business (except the election of cha man or vice-chairman), and be entered on t agenda paper in the following order:—

The report of the committee for gene purposes;

The report of the general finance co mittee on the county treasurer's accounts, a the making of the general and other rates

The report of the committee of visitors the county lunatic asylum at Lancaster;

The report of the committee of visitors the county lunatic asylum in Salford Hu dred;

The report of the committee of visitors the county lunatic asylum in West Der Hundred;

The reports of any other committees;

The appointment (in January session) the committee of visitors of the county l natic asylums at Lancaster, Salford, a West Derby, respectively;

Any subject or matter brought special before the court by the chairman;

The adjourned motions (if any) of th preceding session.

4. That no memorial or petition, except suc as relate to a matter actually before the court, received until the motions of which due notic has been given are disposed of; after which th memorial or petition may be presented by an justice, who shall be at liberty to state the su

stan

ce thereof; but the reading and considera- thereof shall be postponed until some subse- ıt court, when such memorial or petition may ead and determined upon, if previous notice ny motion relating thereto shall have been given. Provided that memorials or peti- s relating to any matter actually before the t may be presented at the time of such matter g discussed, when the justice presenting the orial or petition shall be at liberty to state substance thereof; and such memorial or ion may, upon motion made and seconded, ead by the clerk of the peace, and considered g with the matter to which it relates; but so as to authorise the founding upon it of resolution that could not otherwise have been larly moved.

That no proceeding or resolution of the t shall be altered or rescinded, otherwise than motion, of which previous notice shall be n and inserted in the summons sent to each ce of the county.

That no notice of motion shall be inserted e agenda paper which has not been com- ed to writing, and transmitted or delivered to lerk of the peace, and been by him included e summons sent to each justice previous to annual general or general adjourned session.

That no original resolution or amendment be put from the chair, unless the same shall educed to writing and seconded.

That in case of any division, the names of ustices voting shall, upon the request of any justices present, be taken down in writing, entered on the proceedings of the court.

That whenever amendments are made on nal propositions, no second amendment on original question can be taken into con- ration until the first amendment is disposed

. That if a first amendment be carried, it aces the original question, and becomes itself question for consideration, whereupon any her amendment may be moved.

. That if the first amendment be negatived, a second may be moved to the original tion under consideration; but only one ndment can be submitted to the court for dis- ion at one time.

2. That whenever the numbers for and against resolution or amendment shall be equal, the lution or amendment shall be considered as tived.

3. That after a resolution or amendment has moved and seconded, the same shall not be drawn without leave of the court.

4. That the mover of every original reso- n, but not of any amendment shall have a t to reply; immediately after which the stion shall be put from the chair; but that no r justice be allowed to speak more than once he same question, unless permission be given xplain, or the attention of the chair be called point of order.

V.—The Committees of the Court.

That at the first meeting of every com- ee the first business shall be to choose a chairman, and, if the committee think proper, a deputy chairman; and in the absence of the chairman the deputy chairman shall preside; and in the absence of both, a chairman for that particular occasion shall be appointed.

2. That it be an instruction to the committee for general purposes, to cause to be laid before them, at the opening of every new committee, yearly, a list of the several persons holding appointments or collectorships under this court, and giving security in respect thereof, with the names of their several sureties, to the intent that the same may be then considered, and such order taken therein as to any accounts outstanding, and also of new security or otherwise, as the existing circumstances may require.

3. That (except as to committees regulated by Act of Parliament, or when otherwise expressly ordered by the court), three shall have power to act, and the majority present shall decide.

4. That every committee is authorised to take up all references by the court to the preceding committee which may not have been fully discharged.

5. That all committees to be appointed by the court (except the committee for general purposes and the general finance committee) shall cease and determine upon the bringing up of their reports, unless specially ordered otherwise.

VI.—The Committee for General Purposes and the General Finance Committee.

1. That a committee for general purposes shall be appointed at each adjourned court in September, and shall consist of the chairman of the general sessions, and six other justices, and be a standing committee, to transact all business of a general character not specially referred to one or other of the committees of the court, with power from time to time to report to the court.

2. That *district finance committees* be annually appointed at the midsummer quarter sessions held at Lancaster, and at the adjournments thereof held at Preston, Salford, and Kirkdale, each committee consisting of five magistrates (two to be a quorum) to examine into the receipts and expenditure of the several districts of the county attached to each quarter session; and to transact any other matters and business relative to the county accounts which the courts of quarter sessions may from time to time direct.

3. That the before-mentioned committees do respectively meet quarterly, and oftener, if necessary, for the purpose of examining and allowing the accounts, and giving orders on the county treasurer for payment of all bills examined and allowed, and which are within their proper jurisdiction; and also for the purpose of preparing and submitting to the respective courts of quarter sessions estimates of the probable expenses which will have to be provided for in each district for the ensuing quarter.

4. That at the adjournments of every annual session held in September, a *general finance committee* for the whole county be appointed, and that such general committee do meet from time to time, so as to have the county expenditure constantly under review. And that they do meet at Preston previous to the holding of the annual sessions

App. No. 3.

sessions in June, every year, for the purpose of examining, auditing, and settling the accounts of the county treasurer, and all other accounts relative to the county at large; and of preparing and submitting to the annual sessions estimates of the probable expenses which will have to be provided for in the year ensuing; and that for these purposes they be empowered to call to their aid the services of an accountant.

5. That such general committee do consist of two magistrates from each district finance committee, and that three of such general committee do form a quorum; and that they have full power to require the attendance of all officers of the county, with their books and papers; and that such committee do report on the receipt and expenditure of the county rates, for general purposes, lunatic asylums, constabulary, county and hundred bridges, &c., and on every other special matter, to the court of annual sessions.

6. That a committee be appointed to examine the chief constable's accounts, and to afford him, upon his application, authority in matters of detail and expense, and to audit and order payment of such accounts when so examined. That such committee be authorised to exercise an efficient control over both the ordinary and extraordinary expenses incurred from time to time by the chief constable and by the constables under his orders, in the execution of their respective duties.

That such committee do consist of one magistrate from each police district of the county, with the addition of eight others resident in the neighbourhood of the head quarters of the police staff, three to be a quorum; and that they be requested to report from time to time to this court.

VII.—*The Election of Officers.*

1. That it be an instruction to the general finance committee, on a vacancy occurring in any office in the appointment of the justices of this county, to examine and report their opinion whether any and what alteration should be made in the duties and salary of such office.

2. That whenever a vacancy shall happen in any office in the appointment of the general body of the justices, the same shall be notified to the court by the clerk of the peace on the next annual session or adjournment thereof; and the election shall take place on the adjournment day next following such notification, but with full power to the court to make alterations in the duties and salaries of the officers, upon the recommendation of the general finance committee or otherwise.

3. That in all cases where testimonials shall be required of the candidates, the same shall be deposited with the clerk of the peace for the inspection of the justices, seven days at least before the day of election.

4. That it be an instruction to the several committees of visiting justices of county gaols on a vacancy occurring in the office of governor, chaplain, surgeon, or other superior officer in their respective gaols, to examine the testimonials, and inquire into the qualifications of candidates, and to reoort, with such remarks as they may think fit, the name or names of the cadidate or candidates (not exceeding five in number) in their opinion most eligible for the vacant appointment.

That it be an instruction to the general finance committee on a vacancy occurring in the office of county treasurer, county auditor, county surveyor or bridgemaster, to examine the testimonials and inquire into the qualifications of candidates, and to report, with such remarks as they may think fit, the name or names of the candidate or candidates (not exceeding five in number) in their opinion most eligible for the vacant appointment.

That it be an instruction to the county constabulary committee on any vacancy in the office of chief constable, to examine the testimonials and inquire into the qualifications of candidates and to report, with such remarks as they may think fit, the name or names of the candidate or candidates (not exceeding five in number) in their opinion most eligible for the vacant appointment.

That all testimonials, &c., of candidates be forwarded to the respective committees specially directed to inquire into the qualifications of candidates for the several appointments, twenty-one days at least before the day of election.

That printed copies of the report of committees on the eligibility of candidates be sent by post to the justices in whom the several appointments are vested, seven days at least before the day of election.

5. That the regulations for the election of persons holding offices in the appointment of the justices, when acting for the county at large, shall be as follows:—

(1). The election shall take place at the sessions house, in Preston;

(2). That in case of there being more than one candidate, the election shall be made by an absolute majority of the justices voting;

(3). In case of more than two candidates, if the first voting shall not produce an absolute majority, the candidate lowest on the poll shall be struck off the list, and a fresh voting shall take place; and so on till an absolute majority of the justices voting shall be obtained;

(4). That the voting shall take place either *vivâ voce* or by ballot, as a majority of the justices present shall decide;

(5). That in case of a final equality of votes for two or more candidates, then the election shall be declared void, and a day forthwith fixed for a new election.

VIII.—*The Treasurer.*

1. That the county treasurer's annual accounts shall be made up from the 1st day of June to the 31st day of May, both inclusive.

2. That no person in the office of the clerk of the peace shall be employed, directly or indirectly, by the treasurer.

3. That the county treasurer do publish an abstract of the county accounts, as required by the 55 Geo. 3, c. 5, s. 18, in such newspapers as the court has directed, or shall direct.

4. That

4. That the salary of the county treasurer ll be 800*l.* per annum, out of which sum he ll pay his clerks and defray all ordinary tra- lling expenses incurred in the execution of his ties. That the county shall provide a suitable ice, and all books and stationery.

5. That the county treasurer shall be required find sureties for the due performance of his ties, to the extent of 10,000*l.*

6. That the county treasurer shall adopt such ystem of book-keeping as the general finance mmittee shall direct.

7. That the county treasurer be required devote his whole time and attention to the ties of his office.

8. That the county treasurer shall, without y increase of salary, act as treasurer to every unty establishment, and in every department the county expenditure, whenever called upon to do.

9. That all orders of court at assizes and arter sessions for the payment of bills of pro- cutions, shall be paid by the county banker or s agent, in the town where such order shall be ued, and that all parties receiving the money all in every case be required to give a receipt r the same.

10. That a copy of the annual book of ac- unts be sent, free of charge, to the chairman each board of guardians within the county, hen and so often as the said book is distributed nongst the magistrates.

11. That a copy of the annual book of ac- ounts be sent, free of charge, to the clerk of ch board of guardians within the county, for e information of the board and the ratepayers, hen and so often as the said book is distributed mongst the magistrates.

12. That the printer of the annual book of ccounts be authorised to print copies, at his own ost and charge, for sale, in addition to the number of copies ordered by the clerk of the peace.

IX.—*The Auditor.*

1. That the salary of the auditor shall be 350*l.* per annum, exclusive of his ordinary travelling expenses.

2. That the duties of the auditor shall be to audit the accounts of all the county establishments (except those of the county treasurer), and to examine all accounts payable out of moneys raised by rates and orders in every department of the county expenditure, and all accounts of fees, fines, and penalties, and other receipts in aid of rates; that he shall be accommodated in the county treasurer's office, and act under the superintendence and direction of the general finance committee.

3. That in addition to the above duties, the auditor shall act as clerk to the general and district finance committees.

4. That the auditor shall attend, for the examination of accounts, monthly, quarterly, or as circumstances may require, at each county establishment, and at the various petty sessions, and shall, as soon as possible, examine all bills of costs at quarter sessions previous to payment.

5. That the auditor shall from time to time report to the visiting justices of each establishment, or to the general or district finance committees, as the case may be, and shall point out any irregularity of charge or payment, and suggest any alteration which he may think an improvement in the method of keeping the accounts or economising the funds of the county.

6. That the auditor be precluded from undertaking the duties of any office unconnected with the business of the county without the express sanction of the general finance committee.

That the standing orders of this court be printed for the use of the magistrates.

(signed) *Birchall & Wilson,*
Deputy Clerks of the Peace.

(Referred to in Q. 266.)

COUNTY OF LANCASTER.

ESTIMATE of FUNDS required by the Treasurer to carry on the EXPENDITURE of the County, from the Quarter ending 31st May 1867, to the end of February 1868, when the next, following, ordinary Rates will become payable.

Preston, 27 June 1867.

Valuation of Property on which the Rate is Levied.	Heads of Accounts for which Rates are Assessed and Levied.	Estimated Expenditure and Balances Overdrawn.			Total Estimate.	Deduct Treasurer's Balances and Probable Receipts.				Total Amount to be deducted from Estimate.	Amount Required.	Rate per £.	Amount of Rate.
		Balance Overdrawn.	Ordinary Expenditure.	Extraordinary Expenditure.		Cash in Hand.	Orders to be Charged on Boroughs.	Arrears of Rates and Amount of Sums owing.	Probable Receipts from Sources other than Rates and Orders.				
£.		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.		£. s. d.
6,080,059	General Purposes	- -	32,014 - -	2,611 14 -	34,625 14 -	9,545 11 8	4,248 18 8	776 11 11	12,952 - -	27,523 2 3	7,102 11 9	$\frac{3}{8}$	9,500 1 10
6,080,059	Lunatic Asylums	- -	2,945 - -	1,342 18 -	4,287 18 -	1,413 18 7	1,788 7 11	- -	- -	3,202 6 6	1,085 11 6	$\frac{1}{24}$	1,055 11 4
6,080,059	New Lunatic Asylums' Loan Account	- -	- -	6,687 10 -	6,687 10 -	1,639 8 4	3,571 17 8	- -	- -	5,211 6 -	1,476 4 -	$\frac{1}{16}$	1,583 7 -
5,803,218	County Bridges	221 12 11	757 2 6	- -	978 15 5	- -	94 8 6	- -	- -	94 8 6	884 6 11	$\frac{1}{24}$	1,007 10 -
4,748,576	General Police	- -	2,197 10 -	- -	2,197 10 -	928 6 5	- -	- -	56 10 -	984 16 5	1,212 13 7	$\frac{1}{16}$	1,236 12 1
	Local Police:												
209,218	North Lonsdale	- -	2,298 - -	118 2 6	2,416 2 6	475 9 8	- -	- -	591 2 6	1,066 12 2	1,349 10 4	$1\frac{3}{8}$	1,198 12 11
173,749	South Lonsdale	- -	1,050 15 3	137 10 -	1,188 5 3	434 14 8	- -	- -	131 5 3	565 19 11	622 5 4	$\frac{7}{8}$	633 9 3
144,653	Garstang	- -	1,110 7 11	78 - -	1,188 7 11	198 19 5	- -	- -	90 7 11	289 7 4	899 - 7	$1\frac{3}{8}$	828 14 10
178,949	Kirkham	- -	1,452 8 8	256 - -	1,708 8 8	266 16 6	- -	- -	229 8 8	496 5 2	1,212 3 6	$1\frac{5}{8}$	1,211 12 8
111,104	Bacup and Rawtenstall	- -	1,003 18 7	90 - -	1,093 18 7	216 13 5	- -	- -	177 18 7	394 12 -	699 6 7	$1\frac{3}{8}$	636 10 8
374,045	Higher Blackburn	- -	3,105 16 6	90 - -	3,195 16 6	773 2 3	- -	- -	425 16 6	1,198 18 9	1,996 17 9	$1\frac{1}{4}$	1,948 3 -
284,873	Lower Blackburn	- -	2,727 8 5	160 - -	2,887 8 5	970 9 6	- -	- -	393 8 5	1,363 17 11	1,523 10 6	$1\frac{1}{4}$	1,483 14 2
248,795	Leyland	- -	1,873 17 1	258 7 6	2,132 4 7	640 5 3	- -	- -	183 4 7	823 9 10	1,308 14 9	$1\frac{1}{4}$	1,295 16 2
283,482	Bolton	- -	1,861 5 11	- -	1,861 5 11	502 13 11	- -	- -	294 5 11	796 19 10	1,064 6 1	$\frac{7}{8}$	1,033 10 7
363,483	Bury	- -	3,082 3 6	107 10 -	3,189 13 6	834 14 2	- -	- -	460 13 6	1,295 7 8	1,894 5 10	$1\frac{1}{4}$	1,893 2 8
353,692	Rochdale	- -	2,624 15 -	62 10 -	2,687 5 -	611 1 -	- -	- -	386 5 -	979 6 -	1,707 19 -	$1\frac{1}{8}$	1,657 18 7
125,711	Ashton-under-Lyne	- -	1,313 6 4	167 3 9	1,480 10 1	496 4 10	- -	- -	154 10 1	650 14 11	829 15 2	$1\frac{1}{2}$	785 13 11
530,707	Manchester	- -	4,865 - 8	- -	4,865 - 8	1,465 15 -	- -	- -	777 - 8	2,242 15 8	2,622 5 -	1	2,211 5 7
339,222	Kirkdale	- -	4,676 2 5	99 17 6	4,775 19 11	1,195 19 1	- -	- -	436 19 11	1,632 19 -	3,143 - 11	2	2,826 17 -
245,378	Ormskirk	- -	2,214 2 6	8 5 -	2,222 7 6	575 8 8	- -	- -	256 7 6	831 16 2	1,390 11 4	$1\frac{1}{4}$	1,278 - 2
371,365	Prescot	- -	4,519 18 -	1,301 5 -	5,821 3 -	2,307 1 1	- -	- -	981 3 -	3,288 4 1	2,532 18 11	$1\frac{1}{2}$	2,321 - 7
205,309	Warrington	- -	2,072 7 8	- -	2,072 7 8	443 8 -	- -	- -	294 7 5	737 15 5	1,334 12 3	$1\frac{1}{2}$	1,283 3 8
204,841	Wigan	- -	1,957 12 4	8 15 -	1,966 7 4	519 11 9	- -	- -	276 7 4	795 19 1	1,170 8 3	$1\frac{3}{8}$	1,173 11 4
	Houses of Correction:												
3,575,256	Preston and Kirkdale	- -	15,452 16 -	20,446 11 -	35,899 7 -	2,526 10 5	- -	1,689 2 7	25,873 11 -	30,089 4 -	5,810 3 -	$\frac{3}{8}$	5,586 6 8
3,575,256	ditto Loan Account	- -	- -	2,062 10 -	2,062 10 -	39 8 9	- -	- -	- -	39 8 9	2,023 1 3	$\frac{1}{8}$	1,862 2 3
2,504,803	Salford	- -	11,000 - -	- -	11,000 - -	2,141 10 6	- -	1,379 7 10	4,805 - -	8,325 18 4	2,674 1 8	$\frac{1}{4}$	2,609 3 5
2,504,803	Salford New Gaol	2,614 2 4	- -	- -	2,609 3 5	- -	- -	- -	- -	- -	2,609 3 5	$\frac{1}{4}$	2,609 3 5
	Hundred Bridges:												
382,967	Lonsdale, North and South	- -	260 - -	- -	260 - -	156 16 11	- -	- -	- -	156 16 11	103 3 1	$\frac{1}{12}$	132 19 6
323,602	Amounderness	21 16 2	150 - -	- -	171 16 2	- -	- -	- -	- -	- -	171 16 2	$\frac{1}{8}$	168 10 10
929,266	Blackburn	- -	525 - -	- -	525 - -	227 15 3	- -	- -	- -	227 15 3	297 4 9	$\frac{1}{16}$	241 19 11
248,795	Leyland	- -	150 - -	- -	150 - -	40 11 10	- -	- -	- -	40 11 10	109 8 2	$\frac{1}{8}$	129 11 8
2,504,803	Salford	- -	2,000 - -	- -	2,000 - -	84 14 10	518 7 7	- -	- -	603 2 5	1,396 17 7	$\frac{1}{8}$	1,304 11 8
1,413,785	West Derby	- -	1,406 - -	- -	1,406 - -	1,002 13 9	174 3 10	- -	- -	1,176 17 7	229 2 5	–	–
4,082,799	Manchester Assize Courts	—	—	—	—	—	—	—	—	—	—	-	—
	Salford Sessions: *												
2,504,803	Chairman's Salary	—	—	—	—	—	—	—	—	—	—	-	—
6,080,059	Cattle Plague Account	1,990 7 5	- -	1,990 7 5	1,990 7 5	- -	- -	- -	- -	- -	1,990 7 5	-	-

PROPORTIONS of the above ESTIMATES of RATES to be Levied, applicable to the several Districts of Quarter Sessions, Hundreds, and
of the County of *Lancaster.*

Districts of Quarter Sessions, Hundreds, and Police Divisions.			Rate per £.	General Purposes.	Rate per £.	Lunatic Asylums.	Rate per £.	New Lunatic Asylums' Loan Account.	Rate per £.	County Bridges.	Rate per £.	General Police.	Rate per £.	Local Police.	Rate per £.	Houses of Correction.	Rate per £.	Hundred Bridges.
Districts.	Hundreds.	Police Divisions.																
				£. s. d.		£. s. d.		£. s. d.		£. s. d.		£. s. d.		£. s. d.		£. s. d.		£. s. d.
Lancaster - -	Lonsdale - -	North Lonsdale - -	$\frac{3}{8}$	661 19 6	$\frac{1}{24}$	73 11 –	$\frac{1}{16}$	110 6 7	$\frac{1}{24}$	66 9 9	$\frac{1}{16}$	54 9 8	$1\frac{3}{8}$	1,198 12 11	$\frac{1}{2}$	882 12 9	$\frac{1}{12}$	132 19 6
		South Lonsdale - -	–	–	–	–	–	–	–	–	$\frac{1}{16}$	45 4 11	$\frac{7}{8}$	633 9 3				
Preston - -	Amounderness -	Garstang - - - -	$\frac{3}{8}$	820 13 9	$\frac{1}{24}$	91 3 9	$\frac{1}{16}$	136 15 –	$\frac{1}{24}$	56 3 7	$\frac{1}{16}$	37 13 5	$1\frac{3}{8}$	828 14 10	$\frac{1}{2}$	1,094 5 –	$\frac{1}{8}$	168 10 10
		Kirkham - - - -	–	–	–	–	–	–	–	–	$\frac{1}{16}$	46 12 –	$1\frac{5}{8}$	1,211 12 8				
	Blackburn - -	Backup and Rawtanstall -	$\frac{3}{8}$	1,485 8 2	$\frac{1}{24}$	165 – 11	$\frac{1}{16}$	247 11 4	$\frac{1}{24}$	161 6 7	$\frac{1}{16}$	97 8 1	$1\frac{3}{8}$	636 10 8	$\frac{1}{2}$	1,980 10 11	$\frac{1}{16}$	241 19 11
		Higher Blackburn - -	–	–	–	–	–	–	–	–	$\frac{1}{16}$	28 18 9	$1\frac{1}{4}$	1,948 3 –				
		Lower Blackburn - -	–	–	–	–	–	–	–	–	$\frac{1}{16}$	74 3 8	$1\frac{1}{4}$	1,483 14 2				
	Leyland - -	Leyland - - - -	$\frac{3}{8}$	388 14 10	$\frac{1}{24}$	43 3 11	$\frac{1}{16}$	64 15 10	$\frac{1}{24}$	43 3 11	$\frac{1}{16}$	64 15 10	$1\frac{1}{4}$	1,295 16 2	$\frac{1}{2}$	518 6 5	$\frac{1}{8}$	129 11 8
Salford - -	Salford - - -	Bolton - - - -	$\frac{3}{8}$	3,913 15 2	$\frac{1}{24}$	434 17 3	$\frac{1}{16}$	652 5 10	$\frac{1}{24}$	434 17 3	$\frac{1}{16}$	73 16 6	$\frac{7}{8}$	1,033 10 7	$\frac{1}{2}$	5,218 6 10	$\frac{1}{8}$	1,304 11 8
		Bury - - - -	–	–	–	–	–	–	–	–	$\frac{1}{16}$	94 13 1	$1\frac{1}{4}$	1,893 2 8				
		Rochdale - - - -	–	–	–	–	–	–	–	–	$\frac{1}{16}$	92 2 2	$1\frac{1}{8}$	1,657 18 7				
		Ashton - - - -	–	–	–	–	–	–	–	–	$\frac{1}{16}$	32 14 9	$1\frac{1}{2}$	785 13 11				
		Manchester - - -	–	–	–	–	–	–	–	–	$\frac{1}{16}$	138 4 1	1	2,211 5 7				
Kirkdale - -	West Derby - -	Kirkdale - - - -	$\frac{3}{8}$	2,229 10 5	$\frac{1}{24}$	247 14 6	$\frac{1}{16}$	371 11 9	$\frac{1}{24}$	245 8 11	$\frac{1}{16}$	88 6 10	2	2,826 17 –	$\frac{1}{2}$	2,972 13 10	–	—
		Ormskirk - - - -	–	–	–	–	–	–	–	–	$\frac{1}{16}$	63 17 11	$1\frac{1}{4}$	1,278 – 2				
		Prescot - - - -	–	–	–	–	–	–	–	–	$\frac{1}{16}$	96 14 2	$1\frac{1}{2}$	2,321 – 7				
		Warrington - - -	–	–	–	–	–	–	–	–	$\frac{1}{16}$	53 9 4	$1\frac{1}{2}$	1,283 3 8				
		Wigan - - - -	–	–	–	–	–	–	–	–	$\frac{1}{16}$	53 6 11	$1\frac{5}{8}$	1,173 11 4				

By order of the General Finance Committee,

Henry Alison, Treasurer.

J. Shepherd Birley, Chairman.

App. No. 3.

(Referred to in Q. 370.)

COUNTY PALATINE OF LANCASTER.

SPECIFICATION of PRINTING required to be Contracted for under the Direction of the Finance Committee, and agreeable to the following Conditions, viz.:—

The Contract to be for one Year, from the day of next.

Accounts to be furnished Quarterly, viz.: on the 24th days of August, November, February, and May respectively.

No.	Probable Quantity.	PARTICULARS.		—
				£ s. d.
—	200	Specification of Printing (this form), per 100 - - -		
1	200	Circulars of Meetings of General Finance Committee, per 100 - - - - - - - - -		
2	500	Ditto - District - ditto, per 100 - - - -		
3	600	Circulars of Notice of Adjourned Annual Session, with Notices of Motion, per page, per 100 - - - -		
4	600	Ditto of Annual Session, per page, per 100 - - -		
5	160	Ditto of Quarter Session, and Subjects for Consideration, per page, per 100 - - - - - - - -		
		Envelopes for Nos. 3, 4, and 5; and Enveloping, per 100 -		
6	20	Forms of Precepts to High Constables to return Jury Lists, per 20 - - - - - - - - -		
7	450	Forms of Precepts from High Constables to Overseers, per 100 - - - - - - - - -		
8	1,000	Form of Return by Overseers, per 100 - - - -		
9	1,000	Ruled Paper, with Headings, for Jurors' Book, per 100 -		
10	600	Proceedings of Annual Session, and Reports, per sheet of eight pages, per 100 - - - - - - -		
	600	Ditto - Covers and Binding, per 100 - -		
	600	Ditto - Envelopes and Enveloping, per 100 - -		
11	500	Precepts from Clerks of the Peace to Overseers respecting Register, per 100 - - - - - - -		
12	500	Forms of Notice, Tables, &c., per 100 - - - -		
13	280	Notice to Overseers to attend Revising Barristers' Courts, Northern Division, four pages, per 50 - - - -		
14	250	Ditto - Southern Division, four pages, per 50 - -		
15	200	Lists of Polling Places, per 50 - - - - - -		
16	750	Books of Treasurer's Accounts, stitched, per sheet of eight pages *, per 100 - - - - - - - - -		
	750	Ditto - Cloth Cases, and Binding, per 100 - -		
	750	Ditto - Envelopes, and Enveloping, per 100 - -		
17 to 24	50 each -	County Bridge Accounts	Lonsdale, North - - Lonsdale, South - - Amounderness - - Ribble Bridge and Walton Cop - - - Blackburn - - Leyland - - - Salford - - - West Derby - -	per 50
25 to 31	50 each -	Hundred Bridge Accounts	Lonsdale, North - - Lonsdale, South - - Amounderness - - Blackburn - - - Leyland - - - Salford - - - - West Derby - - -	per 50
32	20	Books of Accounts of Inspectors of Weights and Measures, 120 leaves, bound in rough calf and lettered, per book -		
33 to 35	300	Forms for Inspectors of Weights and Measures, viz.:— Accounts, Salaries, Return of Fees received for Stamping (three forms), each per 100 - - - -		
36 & 37	100	Forms for comparison of Weights and Measures, each per 100 - - - - - - - - - -		

* *N.B.*—The Tabular Statements included in the Book of Accounts to be charged as follows: viz., Table of Rates, eight pages; Table of Contingencies, eight pages.

County Palatine of Lancaster.—Specification of Printing, &c.—*continued.*

No.	Probable Quantity.	PARTICULARS.	——		
			£.	s.	d.
38	100	Estimate of Funds required for Gaols, per 100 - - -			
39	100	Ditto - - for Lunatic Asylums, per 100 - - -			
40	100	Ditto - - for County and Hundred Bridges, per 100			
41 to 45	100	Ditto - - for Militia Storehouses (5 forms) per 100 -			
46	500	Receipts, perforated and stamped with embossed 1 *d.* Receipt Stamp, bound into books of 100 each, per book - -			
47	500	Receipts, perforated and bound into books of 100 each, per book - - - - - - - - - -			
48	500	Ditto (another form) - - - ditto - per book			
49	200	Ditto (another form) - ditto - ditto - per book			
50	500	Ditto Summary Prosecutions - ditto - per book			
51	200	Order Book for goods, per book - - - - -			
52	500	Bank Tickets, perforated and bound into books of 100 each, per book - - - - - - - - -			
53 & 54	200	Certificate of Funds required by County Bridge Surveyors and Bridgemasters, per 100 - - - - - -			
55	200	Table: Estimate of Funds required, per 100 - - -			
56	700	Reports of County Lunatic Asylums, per sheet of 8 pages, per 100 - - - - - - - - -			
	700	Ditto, covers and binding, per 100 - - - -			
	700	Ditto, envelopes and enveloping, per 100 - - -			
57	150	Report of County Lunatic Asylums when report of one Asylum required separately, per sheet of 8 pages, per 100			
	150	Ditto, covers and binding, per 100 - - - - -			
58	500	Certificates of Costs under Criminal Justice Act, per 100 -			
59	200	Orders for Costs of Juvenile Prosecutions, per 100 - -			
60	200	Orders of Court for Costs of Assize Prosecutions, per 100 -			
61	500	Orders of Court for Costs of Sessions Prosecutions, per 100			
62	500	Certificates by Examining Magistrates, per 100 - -			
63	1,000	Receipts of Costs of Prosecutions (in red), per 100 - -			
64	100	Treasury, with Gaol Returns, per 100 - - - -			
65	200	Forms of Interest Account for Police Loans, per 100 -			
66	100	Lists of Coroners' Inquests, per 100 - - - -			
67	150	Abstracts of Coroners' Weights and Measures, and Bridge Accounts (three forms), each per 100 - - - -			
68	50	Borough Orders, ruled and printed (two forms), each per 50			
69	12	Rolls, Parchment, per page, per 12 - - - - -			
	12	Rolls, Paper, per 12 - - - - - - -			
70	100	List of Magistrates, per sheet of 8 pages, per 100 - -			

Specimens of each of the above Forms may be inspected at the County Treasurer's Office, 9, Chapel-street, Preston; and the supply must be equal in Printing and Paper, and in all other respects, to the patterns.

When forms are contracted for per 100, any integral portion of 100 (after the first) to be charged accordingly.

All work required, but not enumerated, to be charged at a similar rate to that contracted for, reference being had to the length and description of the document, and the paper required.

All work not executed to the satisfaction of the General Finance Committee, will be returned without any charge being allowed to the Contractor for the same.

Tenders (sealed) for the before-mentioned work to be sent in, addressed to the Chairman of the General Finance Committee, County Treasurer's Office, Preston, on or before
the day of next.

The lowest tender not necessarily accepted.

I, , do hereby agree to print the before-mentioned Forms, Books, and Documents at the several prices marked opposite to the different items.

Dated this day of 186 .

Appendix, No. 4.

App. No. 4.

PAPER handed in by Mr. *Kelsey,* and referred to in his Evidence, 16 June 1868.

COUNTY OF SURREY.—GODSTONE UNION.

DETAILS OF COUNTY RATES for Four Years ending 25th March 1868.

Date.	County Rate.	Police Rate.	——	REMARKS.
	£. s. d.	£. s. d.		
1864:				
13 March - -	161 3 2¼	- -	at ¾ *d.* in £.	Two small parishes are in the Metropolitan Police District, therefore the county and police rates differ in amounts, although the same in the £.
28 June - -	161 3 2¼	- -	at ¾ *d.* in £.	
28 June - -	- -	202 13 9	at 1 *d.* in £.	
18 October -	214 17 7	- -	at 1 *d.* in £.	
18 October -	- -	202 13 9	at 1 *d.* in £.	
1865:				
3 January -	214 17 7	- -	at 1 *d.* in £.	
3 January -	- -	202 13 9	at 1 *d.* in £.	
4 April - -	214 17 7	- -	at 1 *d.* in £.	
27 June - -	214 17 7	- -	at 1 *d.* in £.	
27 June - -	- -	202 13 9	at 1 *d.* in £.	
17 October -	214 17 7	- -	at 1 *d.* in £.	
17 October -	- -	202 13 9	at 1 *d.* in £.	
1866:				
2 January -	214 17 7	- -	at 1 *d.* in £.	
2 January -	- -	202 13 9	at 1 *d.* in £.	
3 April - -	268 11 11¾	- -	at 1¼ *d.* in £.	
3 July - -	214 17 7	- -	at 1 *d.* in £.	
3 July - -	- -	202 13 9	at 1 *d.* in £.	
16 October -	268 11 11¾	- -	at 1¼ *d.* in £.	
16 October - -	- -	202 13 9	at 1 *d.* in £.	
1867:				
1 January -	214 17 7	- -	at 1 *d.* in £.	
1 January -	- -	202 13 9	at 1 *d.* in £.	
9 April - -	214 17 7	- -	at 1 *d.* in £.	
9 April - -	- -	101 6 10½	at ½ *d.* in £.	
2 July - -	214 17 7	- -	at 1 *d.* in £.	
2 July - -	- -	202 13 9	at 1 *d.* in £.	
2 October - -	214 17 7	- -	at 1 *d.* in £.	
2 December -	- -	202 13 9	at 1 *d.* in £.	

PAPERS put in by Sir *William Miles*, and referred to in his Evidence, 19 June 1868.

(Referred to in Answer to Question 2192.)

SOMERSETSHIRE CONSTABULARY.

TABLES showing the present Grades, Classification, and Pay of the Somerset Constabulary, together with the Secretary of State's New Rates of Pay, and the Revised Scheme for the Pay of the Members of your Police Establishment.

PRESENT AUTHORISED FORCE AND PAY.			SECRETARY OF STATE'S SCALE OF PAY.			REVISED SCALE OF PAY NOW RECOMMENDED.					
No. in each Rank.	Grades.	Present Annual Pay.	Daily: Lowest and Highest.	Yearly: Lowest and Highest.	Mean.	No. in each Rank.	Grades.	Proposed Annual Pay.	Mean.	Increased Expense to the County without deducting the Government Grant.	REMARKS.
		£. s. d.	s. d. s. d.	£. s. d. £. s. d.	£. s. d.			£. s. d.	£. s. d.	£. s. d.	
1	Chief Constabble -	500 – –	—	—	—	1	Chief Constable -	- -	*See* marginal note.	—	The Chief Constable and Deputy Chief Constable may, with the approval of the Secretary of State, be given an allowance beyond the sum stated.
1	Deputy Chief Constable.	140 – –	5 6 & 11 – and upwards.	100 7 6 & 200 15 – and upwards.	*See* margin.	1	Deputy Chief Constable.	190 – –		50 – –	
4	1st Class Superintendents.	120 – –	5 6 & 11 –	100 7 6 & 200 15 –	150 11 3	4	1st Class Superintendents.	140 – –	125 – –	80 – –	
11	2nd Class Superintendents.	90 – –				11	2nd Class Superintendents.	110 – –		220 – –	
24	Sergeants, at 23 *s.* per week.	59 16 –	3 7 & 4 –	65 7 11 & 73 – –	69 3 11	24	Sergeants, at 25 *s.* 2 *d.* per week.	65 10 –	65 10 –	136 16 –	
96	1st Class Constables, at 20 *s.* per week.	52 – –	2 6 & 3 4	45 12 6 & 60 16 8	53 4 7	96	1st Class Constables, at 21 *s.* per week.	54 12 –	52 – –	249 12 –	
149	2nd Class Constables, at 18 *s.* per week.	46 16 –				149	2nd Class Constables, at 19 *s.* per week.	49 8 –		387 8 –	
286	- - TOTAL.					286	- - TOTAL.		£.	1,123 16 –	
							Deduct one-fourth to be repaid by Government - - - -			280 19 –	
							TOTAL Cost to the County - - -		£.	842 17 –	

Note.—An order of court was made at the Michaelmas Quarter Sessions, 1865, granting long service pay to certain members of the force who shall have completed nine years' service. Under this order, the following receive extra pay, which has not been taken into account in the above calculation:—Deputy chief constable, 10 *l.* per annum; three 1st class superintendents, 12 *l.* per annum each; four 2nd class superintendents, 12 *l.* per annum each; five sergeants, 5 *l.* 4 *s.* per annum each; 45 constables, 2 *l.* 12 *s.* per annum each. The superintendents must have served nine years in that rank before they become entitled to this extra pay

(Referred to in Answer to Question 2194.)

CONSTABULARY, SOMERSET.

NAMES OF COUNTIES.	NUMBER OF EACH RANK AND CLASS.								NUMBER OF EACH RANK AND CLASS.						TOTAL.
	CHIEF CONSTABLE.	SUPERINTENDENTS.					INSPECTORS.		SERGEANTS.		CONSTABLES.				
		Deputy.	1st Class.	2nd Class.	3rd Class.	4th Class.	1st Class.	2nd Class.	1st Class.	2nd Class.	1st Class.	2nd Class.	3rd Class.	4th Class.	
Devon - - - -	1	1	6	7	- -	- -	- -	–	24	–	10	90	130	65	334
Gloucester - - -	1	1	1	3	6	- -	3	–	41	–	50	97	85	–	288
Somerset - - -	1	1	4	11	- -	- -	- -	–	24	–	96	149	–	–	286
Wilts - - - -	1	- -	2	2	3	3	13	–	13	13	50	80	10	11	201
	YEARLY PAY, IN POUNDS AND SHILLINGS.								WEEKLY PAY, IN SHILLINGS AND PENCE.						
	Including Allowances. £. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.		s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	
Devon - - -	600 – –	150 – –	109 10 –	100 7 6	- -	- -	- -	–	25 1	–	22 2	21 –	18 8	16 –	(a)
Gloucester - - -	550 – –	165 15 5	146 – –	132 6 3	112 10 10	- -	76 – 10	–	25 1	–	22 2	21 –	17 6	–	
Somerset - - -	700 – –	190 – –	140 – –	110 – –	- -	- -	- -	–	25 2	–	21 –	19 –	–	–	
Wilts - - - -	550 – –	- -	150 – –	130 – –	120 – –	110 – –	77 12 –	–	26 11	25 2	21 –	19 –	18 –	17 6	–

Devon.—Superintendents, for keep of horse, 45 *l.* each; books, stationery, and oil, 11 *l.* 14 *s.* each (except the deputy, who is allowed 85 *l.* for forage, which does not appear in the Inspector of Constabulary's Report).

Gloucester.—Superintendents find their own horses, and are allowed 40 *l.* each for forage.

Somerset.—Superintendents find their own horses, and are allowed 46 *l.* each for forage (except the deputy, who is allowed 70 *l.* for forage, which does not appear in the Inspector of Constabulary's Report).

Wilts.—Horses, carts, and harness provided; 36 *l.* 10 *s.* allowed for forage, and 1 *l.* 10 *s.* each for farriers and shoeing.

(a) Devon.—The Inspector of Police states (Report presented 8th February 1867), "The pay of the 4th class constables, which now only consist of 65 persons, remains unaltered at 16 *s.*

App. No. 5.

By calculating the foregoing figures, it will be seen that the total salaries (without allowances, except as to Chief Constables) of the counties, taken as a comparison, are as follows:—

	£.	s.	d.
Devon - - - - - - - - -	17,978	9	10
Gloucester - - - - - - - -	16,781	6	8
Somerset - - - - - - - -	16,634	4	–
Wilts - - - - - - - - -	12,169	14	4

But it should be remarked that in Gloucester all the constabulary are supplied with lodgings, fuel and light, and barrack furniture, at the expense of the county, whilst in Somerset this is not the case; but, taking the scale of payment paid by the Somerset Constabulary, where lodgings are found in the station-houses, as applicable to the whole force, the payment made by the police of Somerset for lodgings alone would amount to 796 *l.* 4 *s.*, which should be added to the Gloucester expenditure, making an addition of 2 *l.* 15 *s.* 3 *d.* per man per annum.

Your Committee would remark that, with regard to the clothing of the establishment (no mention of which is made in the reports of the inspectors), they have ascertained, from returns furnished to them from the counties with which, in this Report, comparisons are made, that the contracts entered into in Somerset are on very favourable terms. The following are the particulars:—

COUNTIES.	Force.	Cost per Annum for Clothing and Hats.	Average Cost per Man.	Excess over Somerset.	Cost of, or Allowances per Annum in lieu of, Boots.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.
Devon - - - -	333	1,387 15 8	4 3 4	– 3 7	1 – –
Gloucester - - -	287	1,260 – 1	4 7 9	– 8 –	1 5 10*
Somerset - - -	285	1,137 6 11	3 19 9	- -	– 18 –
Wilts - - - -	200	832 – 3	4 3 2	– 3 5	2 8 –

From these particulars it is apparent that the cost per man for clothing, in Somerset, is—

	s.	d.	
Less by - - -	3	7 -	than the same cost in Devon.
„ - - -	8	– -	„ „ Gloucester.
„ - - -	3	5 -	„ „ Wilts.

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* Boots are supplied, but this sum represents the cost to the county per man, as shown by the Treasurer's account.

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TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON

COUNTY FINANCIAL ARRANGEMENTS.

Ordered, by The House of Commons, *to be Printed,*
13 *July* 1868.

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1. *As to the Mode of Election and Constitution of the proposed Boards.*
2. *As to the Functions and Operation of the Board.*
3. *Question of Harmony of Action between the Members.*
4. *Question of Collision between the proposed Boards and the Quarter Sessions.*
5. *Exceptions taken to a System of Mixed Boards.*
6. *Recommendations of the Committee.*

FINANCIAL BOARDS—continued.

1. *As to the Mode of Election and Constitution of the proposed Boards.*

Statement that though unprepared to recommend any detailed scheme of management, witness is in favour of an independent financial board, elected partly by the ratepayers or guardians, ***Eagles*** 605–615. 641–647. 658–664. 667–676. 709 *et seq.*——Objection to members of boards of guardians as the representatives of the ratepayers at the proposed financial board, *ib.* 609–613. 620, 621. 643. 762——Dissapproval of the representatives of the ratepayers being necessarily chosen from the guardians, ***Eagles*** 643–645; ***Bainton*** 1766–1768——Approval of elected representatives being chosen for three years, and being eligible for re-election, ***Eagles*** 660–668——Expected satisfaction to be given by a board composed partly of magistrates and partly of elected representatives; magistrates would probably in fact be elected by the ratepayers, *ib.* 746–749. 761, 762.

Proposal by the North Riding Chamber of Agriculture that the financial board should comprise one member for every board of guardians, and an equal number of magistrates from the court of quarter sessions, ***Soulby*** 831. 882——Approval of the members being elected for three years, ***Soulby*** 871; ***Hempson*** 1285–1289——Probable election of many magistrates as representatives of the ratepayers, ***Soulby*** 871–906.

Proposal that each board of guardians should elect one of its members to a county board, and that there be an equal number of magistrates elected from their body, ***Davies*** 1017–1024. 1031–1035——Expediency of the ratepayers or guardians being precluded from electing magistrates or *ex officio* guardians to represent them at the proposed board; grounds for this conclusion, ***Davies*** 1017–1020. 1031–1036; ***Hempson*** 1247–1255; ***Bainton*** 1774–1779; ***Latimer*** 1838, 1839. 1842–1853. 1901–1910; ***Kelsey*** 1949–1959; ***Bush*** 2805, 2806——Approval of boards to be elected one-half by the boards of guardians and one-half by the magistrates, ***Minor*** 1058–1060. 1078–1088; ***Hempson*** 1245, 1246; ***Bainton*** 1754–1758. 1770; ***Duckham*** 2835. 2842——Non-objection to the guardians electing magistrates to represent them, ***Minor*** 1060. 1088.

Suggestion that the guardians be empowered to elect any ratepayers they please to serve with the magistrates in the administration of the rate, ***Hawkins*** 1137–1150. 1176–1180. 1213–1218; ***Latimer*** 1838–1841——Approval of the guardians being allowed to elect *ex officio* guardians or magistrates as their representatives, ***Hawkins*** 1190, 1191——Contemplated election by the boards of guardians of elected members of their own body exclusively to serve on the financial boards, ***Hempson*** 1275–1278. 1284. 1316–1322——Proposed power in the guardians to elect any representative they please, who is not a magistrate, ***Pearson*** 1713–1720——Suggestion that the quarter sessions should elect one magistrate for every board of guardians, *ib.* 1713.

Witness submits that those who pay the county rates should take part in the expenditure, whether as regards the gaol, police, or lunatic asylum, &c., ***Bainton*** 1724–1731——Contemplated election of an equal number of magistrates by the quarter ssssions, and of ratepayers who are not magistrates, by the boards of guardians, the financial boards thus constituted having nothing to do with judicial or criminal business, *ib.* 1745–1748. 1755 *et seq.*——Expediency of there being one elected ratepayer for every magistrate on the proposed boards, with full power to check the expenditure, ***Latimer*** 1818–1822. 1829. 1838. 1887–1889. 1919, 1920——Objection to the chairmen of boards of guardians being elected to the financial boards if they are magistrates, *ib.* 1901–1918.

Statement explanatory of witness's views in support of a financial board composed equally of elected magistrates and of ratepayers elected by the guardians, ***Sir W. Miles*** 2360–2382——Greater confidence to be given to the ratepayers by a representative board, *ib.* 2385——Opinion that the boards of guardians rather than the highway boards should elect to the financial boards, ***Sir W. Miles*** 2391; ***Sir M. Lopes*** 3001–3003.

Suggestion that the ratepayers' representatives should be elected by the highway boards rather than by the boards of guardians, ***Dickinson*** 2411–2417; ***Duckham*** 2838–2845. 2856–2858. 2862–2864——Statement as to the highway boards being co-extensive with the counties, whilst the boards of guardians are not so, ***Dickinson*** 2411; ***Duckham*** 2838. 2856. 2864——Efficient persons among the guardians for acting on the proposed boards, ***Dickinson*** 2426——Reference to the boards of guardians and the highway boards as the best means of electing ratepayers to a financial board, ***Patchitt*** 2644–2648.

Limited extent to which witness complains of the present expenditure, though he strongly advocates the representation of the ratepayers in the administration of the rate, ***Bush*** 2780–2789——Suggestions as to the qualification to be required of ratepayers elected to the proposed financial boards, *ib.* 2801–2804——Proposal that the magistrates in quarter sessions should appoint as many members for the county financial board as there were highway districts or unions in the county, the latter to elect one member each, ***Duckham*** 2862–2872——Feeling of the ratepayers and guardians in Cornwall in favour of a board composed equally of magistrates and of members elected by the boards of guardians, ***Kendall*** 2892, 2893——Suggestion that the boards of guardians be empowered to elect persons who have been guardians, *ib.* 2899——Approval of the election being confined to guardians, including *ex officio* guardians, ***Sir M. Lopes*** 3006, 3007. 3018–3021.

FINANCIAL BOARDS—continued.

2. *As to the Functions and Operation of the Board:*

Conclusion that the expenditure would be economised if there were a board, some or all of the members of which were elected by the ratepayers; question hereon whether much difficulty would not arise about the attendance and the time of such members, *Eagles* 641–647. 670–681. 791–793——Expediency of the proposed financial board for each county devoting proper time to all matters of expenditure, and of their being assisted by a professional auditor, *ib.* 714–726. 732–735——Opinion as to the sufficiency of quarterly meetings of the proposed boards for auditing and regulating the expenditure, *Davies* 994–1007——Importance of the direct information to be obtained by the ratepayers through their representatives at the board, *ib.* 997. 1024. 1027–1029. 1036.

Contemplated control of the expenditure by the ratepayers at the board as well as by the magistrates, *Hawkins* 1212–1222——Suggested control of the financial board over the actual expenditure, though the quarter sessions should still decide whether prison buildings, &c., are required, and what the amount of prison staff, and of police should be, *Kelsey* 2018–2020. 2081–2086——Contemplated power of the financial board to refuse supplies; they should have no control as an executive board, *Whitley* 2138–2142. 2163–2168——Objection to power in the quarter sessions to disallow the reports of the financial boards, *Sir W. Miles* 2386, 2387.

Proposition, as regards county financial boards, that the experiment be tried gradually and be limited at first to the turnpikes, the county bridges, and the coroners, *Dickinson* 2405–2410. 2423–2425——Objection for the present to the gaols and police being placed under control of the financial boards, *ib.* 2406.

3. *Question of Harmony of Action between the Members:*

Conclusion that the magistrates and the ratepayers would act harmoniously at the proposed boards, *Hempson* 1299, 1300. 1351–1353; *Latimer* 1868–1872. 1887–1889; *Sir W. Miles* 2363–2369. 2376–2378——Opinion that some magistrates would take less interest in the administration of the county, if there were financial boards composed partly of elected ratepayers, *Hayward* 1596–1598——Expected harmony and efficiency by the establishment of financial boards composed half of magistrates and half of elected ratepayers, *Pearson* 1711–1720——Willingness of the magistrates in Devonshire to act with the guardians, *Sir M. Lopes* 3019.

4. *Question of Collision between the proposed Boards and the Quarter Sessions:*

Belief that there would be no clashing or factious opposition between financial boards, constituted as proposed, and the quarter sessions, *Soulby* 891–898; *Hawkins* 1207–1211, 1223; *Bainton* 1791. 1793——Question whether the control of the expenditure by the financial board would not interfere with the functions exercised by the quarter sessions; dissent from this view, *Hempson* 1323–1340——Suggestion that some means be devised for settling any conflict between the financial board and the quarter sessions, *Kelsey* 2021–2023. 2058–2060.

5. *Exceptions taken to a System of Mixed Boards:*

Explanation that although witness approves of the principle of a mixed body, comprising magistrates, guardians and tenant farmers, for the administration of the county rate, he anticipates much difficulty in the practical working of this system, *Lord Kesteven* 63–70. 84–98——Objection to the elective principle being imported into the administration of the county rate; less objection if ratepayers were elected to act for three years instead of one, *ib.* 63. 70. 86–89——Dissent from the view that any better representation of the ratepayer is required, even though additional sources of expenditure were imposed on the magistrates, *ib*, 93–98.

Grounds for objecting to the election of a certain number of ratepayers or guardians to act with the magistrates in the management of the county expenditure, *Birley* 283 *et seq.*——Difficulty as to a proper administration under the plan proposed in the Bill, *ib.* 353, 354——Decided objection to the plan of county financial boards; expense to be incurred on the score of staff, whilst the attendance of members would be very bad, *Trevor* 435, 436. 443–450.

With regard to the strong feeling in the county of Cornwall in favour of financial boards, witness doubts whether any material advantage would result therefrom, and considers there is much misapprehension on the subject, *Stokes* 485–489. 491–493——Difficulties apprehended in regard to prisons, police, and lunatic asylums, if the administrations of the expenditure rested with a board composed partly of members elected by the guardians, *Hayward* 1466–1474. 1501 *et seq.*——Non-objection to the principle of a direct representation of ratepayers in the administration of the county finances; doubt, however, whether efficiency or economy would result, *ib.* 1486–1494. 1529 *et seq.*——Question considered whether the proposed mixed boards or the magistrates could better resist any pressure of the Home Office or of the Lunacy Commissioners in favour of increased expenditure, *ib.* 1529–1533. 1554–1574.

FINANCIAL BOARDS—continued.

6. *Recommendations of the Committee:*

Conclusion of the Committee as to the desire of the ratepayers to place the county finances more directly under their own control by means of elected representatives to be associated with the magistrates in the expenditure of the rate, *Rep.* iii——Resolution that the boards of guardians should elect representatives, who should be admitted to take part in, and vote at all meetings of magistrates held for the consideration of questions of county expenditure, *ib.*

See also *Attendance. Boards of Guardians. Cardiganshire. Committees. Cornwall. Devonshire. Drainage Trust (Lincoln.) East Riding of Yorkshire. Essex. Expenditure. Gloucestershire. Godstone Union. Government Control. Herefordshire. Hertfordshire. Lancashire. Lincolnshire. Lunatic Asylums. Magistrates. North Riding of Yorkshire. Northumberland. Police. Prisons. Shropshire. Somersetshire. Suffolk. Surrey. Wiltshire. Worcestershire.*

G.

Gloucestershire. The assessment of the county is 1,726,000 *l.*, the general rate being 1½ *d.* in the pound, and the police rate 2¼ *d.*, *Hayward* 1357, 1358——Details in connection with the expenses of the police, clerk of the peace, county gaol, and the salaries of the gaoler and other officers, *ib.* 1363–1405. 1509–1515. 1526——Statement of the expense of lunatics to the county, and of the salary of the superintendent of the lunatic asylum, *ib.* 1406–1411. 1502–1508——Information in connection with the outlay in respect of judges' lodgings; annual rent received from the Treasury, *ib.* 1416–1418. 1475, 1476——Statement showing a considerable decrease in the amount raised for county purposes as compared with former years, *ib.* 1427. 1451–1458——Practice of increasing the rate when large buildings are required in order to prevent any permanent charge, *ib.* 1427–1429.

Due consideration by a committee before salaries are increased by the quarter sessions, *Hayward* 1430. 1480——Belief that there is very general satisfaction among the ratepayers in the county relative to the present administration of the finances, *ib.* 1431–1435. 1438. 1462–1464——Separate committee of magistrates for different heads of expenditure, there being a careful audit of the accounts, *ib.* 1477–1480——High rent paid for some land attached to the lunatic asylum whilst there is some other land held in fee, *ib.* 1504–1506. 1582–1585——Practice as to the expenditure incurred for the lunatic asylum, and the check to which subjected by the quarter sessions, *ib.* 1516–1520.

Complaint as to witness not having proper facilities, as a ratepayer, for examining the accounts, *Bush* 2726–2728. 2737–2744. 2816–2818——Complaint also as to the want of a uniform and more economical system of valuation or assessment for the county rate, *ib.* 2728–2731. 2765. 2788, 2789. 2808–2815——Wide spread feeling among the ratepayers in the county in favour of their being directly represented in the administration of the expenditure, as by means of the proposed financial boards, *ib.* 2732–2735. 2744–2751——Total rate of about 5*d.* in the pound in Gloucestershire, including the police and the general rate, *ib.* 2766–2769.

See also *Accounts. Audit of Accounts. Bridges, &c. Clerks of the Peace. Finance Committees. Highway Act. Police. Prisons.*

Godstone Union (Surrey). Sundry details relative to the great increase of county rate expenditure in the Godstone Union since the year 1830, on account chiefly of the large outlay on the county lunatic asylum and the gaols, *Kelsey* 1931–1941. 1960, 1961. 1968, 1969——Objection by some ratepayers in the Godstone Union to a county financial board composed equally of magistrates and of ratepayers' representatives; witness, however, would be satisfied with this arrangement, *ib.* 1936–1948. 1997–2008.

Statement as to the assessment to the county rate and the assessment to the poor rate in the Godstone Union having no reference to each other; amendment suggested hereon in the practice relative to the valuation for the county, *Kelsey* 1969–1972. 2041–2045. 2066–2079——Circumstance of witness being unable to state the actual amount of the county rate in the pound, as levied in the Godstone Union; explanation on this point, *ib.* 1973–1977. 2087–2092——Much larger increase of the county rate in the union than of the poor rates, *ib.* 2051.

Government Control. Approval of financial boards composed equally of magistrates and of elected members, provided Government were to interfere in the management of the gaols, lunatic asylums, &c., by contributing to the expense, *Whitley* 2126–2130. 2133–2135. 2143–2146. 2164, 2165.

Guardians. See *Boards of Guardians.*

Report, 1868—*continued.*

H.

Hampshire. Better management of the finances in Hampshire than in Somersetshire, *Eagles* 682——There are, however, several things in the former county which might be improved, *ib.*

Hawkins, Thomas. (Analysis of his Evidence.)—Is a member of the board of guardians of Bentley, Suffolk; testifies to the feeling of the ratepayers in favour of county boards, 1111–1118——Desire of the ratepayers of the county to have more information about the county expenditure, and to have a voice in its administration, 1112. 1119–1127. 1153——Statement as to the amount of the county rate in Suffolk: very uniform amount in the hundred of Sandford, 1128-1135——Suggestion that the guardians be empowered to elect any ratepayers they please to serve with the magistrates in the administration of the rate, 1137–1150. 1176–1180——Expected good attendance of members elected by the guardians, 1139–1147. 1179. 1180. 1183–1189.

Improved system of late years in the administration of the rate in Suffolk, 1151——Feeling of the ratepayers that in the matter of bridges it would be better to have some practical men to act with the magistrates, 1153–1155——Further statement as to the limited information obtainable by the ratepayers by means of the accounts now made public, 1154–1160. 1169–1171——Belief as to there being room for economy by a different management in the case of the police, and in several other ways, 1163–1167. 1219——General feeling in Suffolk that ratepayers should be associated with the magistrates in order to manage the county finances, 1172–1178——Approval of the guardians being allowed to elect *ex officio* guardians or magistrates as their representatives, 1190, 1191.

Consideration given to the amount of the county rate before farmers decide upon the rent to be paid by them, 1192–1196——Dissatisfaction in Suffolk with the Highway Act, as being carried out in the western division of the county with undue expense, 1197–1206——Belief that there would be no factious opposition between financial boards, constituted as proposed, and the quarter sessions, 1207–1211. 1223——Contemplated control of the expenditure by the ratepayers at the board, as well as by the magistrates, 1212–1222——Expediency of its being perfectly open to the guardians to elect whom they please, 1213–1218——Interest of magistrates in keeping down the rates, some being large ratepayers, 1225–1227.

Hayward, John Curtis. (Analysis of his Evidence.)—Is chairman of the quarter sessions of the county of Gloucester; is also chairman of the general finance committee, 1354–1356——The assessment of the county is 1,726,000 *l.*, the general rate being 1½ *d.* in the pound, and the police rate 2¼ *d.*: 1357, 1358——Management of the county expenditure by a finance committee elected annually by the magistrates in quarter sessions, 1359–1362——Information relative to the police force in the county and the salaries of the police, chief constable, &c.: conclusion as to this expenditure being mainly incurred without power of control by the magistrates, or by any financial board, 1363–1379.

Particulars relative to the payment of the clerk of the peace who acts by deputy: limited power of the magistrates as to this item of expense, 1380–1393——Details in connection with the expenses of the county gaol, and the salaries of the gaoler and other officers, 1394–1405. 1509–1515. 1526——Statement of the expense of lunatics to the county, and of the salary of the superintendent of the lunatic asylum, 1406–1411. 1502–1508——Explanation relative to the charge incurred for county bridges, and for the salaries of the county surveyor and clerk of the works, 1412–1415.

Information in connection with the outlay in respect of judges' lodgings: annual rent received from the Treasury, 1416–1418. 1475, 1476——Absence of control in the magistrates as to the coroners' salaries, 1419–1421. 1460——Varying amount of discretion in the magistrates as to the expenditure under different heads, there being but a very small proportion of the total county expenditure over which they are uncontrolled by Act of Parliament, or by the Secretary of State, 1422. 1439–1450. 1459–1461——Several large ratepapers among the magistrates, there being a good attendance of the total body when the expenditure is being settled at the quarter sessions, 1423–1427.

Statement showing a considerable decrease in the amount raised for county purposes as compared with former years, 1427. 1451–1458——Practice of increasing the rate when large buildings are required, in order to prevent any permanent charge, 1427–1429——Due consideration by a committee before salaries are increased by the quarter sessions, 1430. 1480——Belief that there is very general satisfaction among the ratepayers in the county relative to the present administration of the finances, 1431–1435. 1438. 1462–1464.

Limited power of control in the Lunacy Commissioners relative to expenditure on asylum buildings, 1439, 1440——Economy of expenditure upon prison buildings in the county, through the action of the magistrates in opposition to the views of the Home Office, which contemplated a very large expenditure, 1441–1446. 1472–1474——Increase of police expenditure through the requirements of the Secretary of State, 1447–1450——Detailed accounts supplied to the boards of guardians relative to the expenditure, 1464, 1465.

Hayward, John Curtis. (Analysis of his Evidence)—*continued.*

Difficulties apprehended in regard to prisons, police, and lunatic asylums, if the administration of the expenditure rested with a board composed partly of members elected by the guardians, 1466–1474. 1501 *et seq.*——Re-arrangement by which lunatic asylums might be effectually managed by the proposed financial boards, 1470, 1471. 1501. 1534——Separate committees of magistrates for different heads of expenditure, there being a careful audit of the accounts, 1477–1480——Economy exercised in connection with bridge approaches, 1481–1483——Approval of the bridges being under some other authority than the magistrates, 1483. 1495——Loss incurred by the county through not recovering from the Treasury the whole cost of prosecutions, 1484, 1485.

Non-objection to the principle of a direct representation of ratepayers in the administration of the county finances; doubt, however, whether efficiency or economy would be the result, 1486–1494. 1529 *et seq.*——Expected difficulty as to the attendance of ratepayers or guardians at the proposed financial boards, 1493, 1494——Satisfaction given in some places in the county by the adoption of the Highway Act, though in some instances there is much dissatisfaction, 1497, 1498. 1537. 1542–1546——High rent paid for some land attached to the lunatic asylum, whilst there is some other land held in fee, 1504–1506. 1582–1585.

Practice as to the expenditure incurred for the lunatic asylum, and the check to which subjected by the quarter sessions, 1516–1520——Statement with further reference to the system and amount of remuneration of the clerk of the peace, the work being done by deputy; doubt as to much saving being feasible, 1521–1528. 1575–1581——Question further considered whether the proposed mixed boards or the magistrates could better resist any pressure of the Home Office or of the Lunacy Commissioners in favour of increased expenditure, 1529–1533. 1554–1574——Doubt as to board of guardians in Gloucestershire always working harmoniously and efficiently, 1535–1541. 1547–1550.

Careful check to which the accounts of expenditure are subjected at the hands of witness and of the finance committee, 1586–1592——Full information contained in the accounts as published, 1593–1595——Opinion that some magistrates would take less interest in the administration of the county business if there were financial boards composed partly of elected ratepayers, 1596–1598.

Hempson, Amos. (Analysis of his Evidence.)—Is vice chairman of the Ramsey board of guardians in Essex, 1228–1233——Very strong feeling of the ratepayers in the county in favour of having a direct voice in the expenditure of the county rate, 1234–1237. 1243. 1267–1274. 1281–1283——Absence of any general dissatisfaction with the management by the magistrates, 1237. 1243, 1244——Total of 3½ *d.* in the pound as the amount of the rate in Essex, including the police rate and the rate for the lunatic asylum, 1238–1241. 1296–1298——Very uniform amount of the rates but for the increased charge for the asylum, 1242.

Approval of financial boards, one half of the members to be elected by the boards of guardians, 1245, 1246——Objection to magistrates or *ex officio* members being elected by the guardians, 1247–1255——Very insufficient information given in the published accounts of the expenditure in Essex, full details being required, 1256–1261——Application of the Highway Act in some parts of Essex; strong feeling against it in witness's part of the county, 1262–1266.

Contemplated election by the boards of guardians of elected members of their own body exclusively to serve on the financial boards, 1275–1278. 1284. 1316–1322——Approval of the members being elected for three years, 1285–1289——Opinion in favour of the entire charge of the lunatic asylums being under the proposed financial boards, 1290–1293. 1307–1312——Belief that in Essex guardians may be found in every union willing to attend a county financial board, 1294, 1295. 1313–1315——Conclusion that the magistrates and the ratepayers would act harmoniously at the proposed boards, 1299, 1300. 1351–1353.

Doubt whether there is much scope for economy of expenditure in Essex, 1301–1304——Total of about thirty members to be elected by the guardians in Essex, so that the board would comprise about sixty members, 1305, 1306——Question whether the control of the expenditure by the financial board would not interfere with the functions exercised by the quarter sessions; dissent from this view, 1323–1340.

Objection to the board having anything to do with the adoption of the Highway Act, 1330, 1331. 1348–1350——Willingness of the elected members to serve on the board gratuitously, 1341–1343——Readiness of the magistrates to attend to any complaints by ratepayers as to undue expenditure, 1344, 1345.

Herefordshire. Views expressed by the Herefordshire Chamber of Agriculture in favour of the compulsory establishment of county financial boards comprising some members directly representing the ratepayers, *Duckham* 2829–2837——Impression that the county rate

Herefordshire—continued.

rate in Herefordshire is about 4 *d.* in the pound, *Duckham* 2848——Wide-spread feeling among the Herefordshire ratepayers in favour of financial boards, *ib.* 2880–2884.

See also *Accounts. Highway Act.*

Hertfordshire. Witness submits that it is a great grievance that the ratepayers have no control over the expenditure of the county rate, as of the poor rate, and that there is a very strong feeling in Hertfordshire on the subject, *Latimer* 1801 *et seq.*——About fifty per cent. of the total rates in St. Alban's district are under no control by the ratepayers, and these rates have much increased of late years, *ib.* 1801–1804. 1810–1814. 1833–1837. 1854–1865. 1890–1895——Explanation that it is not intended to bring any special charge against the magistrates as to wasteful expenditure, though witness submits that economy would result if there were local guardians on the board for managing the county expenditure, *ib.* 1808 *et seq.*

Wide-spread discontent already existing in the county of Hertford, this feeling being sure to increase unless a remedy be provided, *Latimer* 1815–1818. 1826–1832——Considerable number of magistrates in Hertfordshire, a large proportion being clergymen, *ib.* 1873–1877.

See also *Highway Act.*

Highway Act. Objection made in the Salford hundred of Lancashire to the adoption of the Highway Act, though it has been adopted in the West Derby hundred, *Birley* 232, 233——Considerable discussion and opposition upon the occasion of the adoption of the Highway Act in the North Riding, *Trevor* 439. 451, 452——Adoption of the Highway Act in the county of Somerset, though it does not give universal satisfaction; the salaries for working the Act do not come out of the county rate, *Eagles* 560–562. 758–760——Reference to the dissatisfaction caused in the North Riding by the adoption of the Highway Act, *Soulby* 858–860——Considerable dissatisfaction caused by the Highway Act in witness's district; limited extent to which the Act has been adopted in the county of Lincoln, *Sharpley* 919–921. 959.

Wide-spread dissatisfaction caused in Shropshire by the formation of the county into Highway districts; opposition raised at the time, *Minor* 1089–1099——Dissatisfaction caused in Cornwall by the formation of highway districts, though there was no actual opposition at the time, *Stokes* 1107–1110——Dissatisfaction in Suffolk with the Highway Act, as being carried out in the western division of the county with undue expense, *Hawkins* 1197–1206——Application of the Highway Act in some parts of Essex; strong feeling against it in witness's part of the county, *Hempson* 1262–1266——Objection to the proposed financial boards having anything to do with the adoption of the Highway Act, *ib.* 1330, 1331. 1348–1350.

Satisfaction given in some places in the county of Gloucester by the adoption of the Highway Act; in some instances there is much dissatisfaction, and opposition was at first experienced, *Hayward* 1497, 1498. 1537. 1542–1546——Considerable dissatisfaction in Hertfordshire on the subject of highway boards, the ratepayers, however, having no proper power of representation in the matter, *Latimer* 1921–1925——Dissatisfaction of the ratepayers in Surrey with the formation of highway boards by the magistrates, *Kelsey* 2061–2065——Approval, however, of the adoption of highway boards resting with the magistrates, *ib.* 2080.

Unsatisfactory result of the application of the Highway Act in the county of Northumberland, *Whitley* 2150–2154——Adoption of the Highway Act in Somersetshire without the ratepayers evincing any dissatisfaction; means by which they may represent their objections, *Sir W. Miles* 2280–2283. 2331–2338——Considerable opposition offered to the establishment of highway boards in the county of Hereford, though in witness's district the new system is working very satisfactorily, *Duckham* 2849–2855——Dissatisfaction at first with the highway boards formed in Devonshire; reduced cost of the roads in witness's districts since the adoption of the Highway Act, *Sir M. Lopes* 3000–3003. 3005–3010. 3047–3051.

See also *Financial Boards,* 1.

K.

Kelsey, Edward. (Analysis of his Evidence.)—Has been a guardian in the Godstone Union, in Surrey, for more than thirty years; is a large ratepayer in the county, 1926–1930——Sundry details relative to the great increase of county rate expenditure in the Godstone Union since the year 1830, on account chiefly of the large outlay on the county lunatic asylum and the gaols, 1931–1941. 1960, 1961. 1968, 1969——Strong feeling among the ratepayers as to the extravagant administration of the county rate by the magistrates, 1938. 1945. 1995. 2009——Grounds for the complaint as to the extravagance of the outlay upon the lunatic asylum, 1938. 2009–2017.

Kelsey, Edward. (Analysis of his Evidence)—*continued.*

Statement as to the ratepayers not having proper facilities for examining the accounts of expenditure, 1941–1944. 1963–1967——Objection by some ratepayers in the Godstone Union to a county financial board composed equally of magistrates and of ratepayers' representatives; witness, however, would be satisfied with this arrangement, 1946–1948. 1997–2008—— Grounds for objecting to boards of guardians electing magistrates or *ex officio* guardians to a financial board, 1949–1959.

Conclusion as to the increase of expenditure being at least as great in many other unions in the county as in the Godstone Union, 1960, 1961. 1992–1994——Very strong feeling of the ratepayers throughout the county in favour of their being directly represented in the administration of the rate; expected economy thereby, 1962. 1986 *et seq.* ——Statement as to the assessment to the county rate and the assessment to the poor rate in the Godstone Union having no reference to each other; amendment suggested hereon in the practice relative to the valuation for the county, 1969–1972. 2041–2045. 2066–2079.

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1. *System of Administration of the County Business; Nature of the checks upon the Expenditure:*

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TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON

COUNTY FINANCIAL ARRANGEMEN

Ordered, by The House of Commons, *to be Printed,*
13 *July* 1868.

421—I.

Under 4 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

MALT TAX;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
13 *July* 1868.

Tuesday, 10*th March* 1868.

Ordered, THAT a Select Committee be appointed to inquire into the operation of the Malt Tax.

Monday, 16*th March* 1868.

Ordered, THAT the Select Committee on Malt Tax do consist of Eighteen Members.

Committee nominated,—

Colonel Barttelot.
Mr. Stephen Cave.
Mr. Goschen.
Mr. Shaw Lefevre.
Mr. Laing.
Mr. Arthur Peel.
Mr. Ayrton.
Lord Eustace Cecil.
Sir Edward Manningham Buller.
Mr. Read.
Major Parker.
Mr. Henry Surtees.
Mr. More.
Mr. Dent.
The O'Conor Don.
Mr. Hardcastle.
Mr. Benyon.
Colonel Duncombe.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Monday, 10*th July* 1868.

Ordered, THAT the Committee have power to Report their Observations, together with the Minutes of Evidence taken before them, to the House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the operation of the MALT TAX;——HAVE considered the matters to them referred, and have agreed to the following REPORT:

THE SELECT COMMITTEE appointed in the Session of Parliament of 1867, "to inquire into the operation of the Malt Tax," reported to the House the Minutes of Evidence taken before them in that year. A Committee was again appointed in the present Session (1868), consisting of the same Members, with the exception of Mr. Hunt, now Chancellor of the Exchequer, and having concluded their examinations, have to report the Minutes to the House, and have agreed to the following Report:—

1. Your Committee opened the inquiry by taking evidence from the Board of Inland Revenue, and the Chairman of the Board (Mr. Stephenson), put in a statement of the different rates of duty on malt from the year 1697 (when it was first imposed) to the present time, as follows:—

> " In 1697, on its first imposition, it was 6 *d.* a bushel; in 1713, when
> " it was extended to Scotland, it was 6 *d.*; and, in 1726, in Scotland, it
> " was reduced to 3 *d.* Then, in England, in 1760, it was raised to 9¼ *d.* a
> " bushel; in 1780, it was raised to 1 *s.* 4¼ *d.* a bushel, and to 8 *d.* a bushel
> " in Scotland. Then, in 1785, the duty was imposed in Ireland, at 7 *d.* a
> " bushel; that was raised, in 1795, to 1 *s.* 3 *d.* Then, in 1802, it was
> " respectively 2 *s.* 5 *d.* in England, 1 *s.* 8¾ *d.* in Scotland, and 1 *s.* 9½ *d.* in
> " Ireland. In 1804, which was a year of war tax, it was raised to
> " 4 *s.* 5¾ *d.* in England, 3 *s.* 9½ *d.* in Scotland, and 2 *s.* 3½ *d.* in Ireland.
> " In 1813, it was raised to 3 *s.* 3¾ *d.* in Ireland; and, in 1815, it was raised
> " to 4 *s.* 5 *d.* in Ireland. Then, in 1816, the duty was reduced to what it
> " had been prior to 1804, namely, 2 *s.* 5 *d.* in England; and 1 *s.* 8¾ *d.* in
> " Scotland, but it was reduced to 2 *s.* 4½ *d.* in Ireland. In 1819 it was
> " raised to 3 *s.* 7¼ *d.* in England and Scotland, and 3 *s.* 6¾ *d.* in Ireland.
> " Then, in 1822, the duty was fixed at 2 *s.* 7 *d.* uniformly, at which it
> " stands at the present time, with the exception of 5 per cent., which was
> " added in 1840 to the Excise duties generally, making the actual impost
> " 2 *s.* 8½ *d.* For a short time, from 1854 to 1856, there was a duty of 4 *s.*,
> " during the Crimean war, and after that it reverted to 2 *s.* 8½ *d.*, as it
> " stands now."

Following this statement, with regard to the amount of tax, Mr. Stephenson stated as a remarkable fact, that the amount of malt consumed had remained almost stationary for 100 years prior to 1830, although the population had largely increased; that during this period the consumption was 25,000,000 bushels a year, and that on the repeal of the beer duty in 1830 the consumption rapidly increased, until in 1866 it reached 45,000,000 bushels for England only. In 1866 the amount of malt on which duty was paid in the United Kingdom was upwards of 52,000,000 bushels. These statements lead your Committee to to the conclusion that a reduction in the rate of duty would lead to a large increase in the consumption of malt.

2. Your Committe proceeded to examine several agriculturists of great practical experiene, taken, respectively, from all parts of the country. These witnesses appeared to your Committee to be generally of opinion, that the effect of the malt tax is to interfere with the due rotation of crops, by causing wheat to be sown where barley could otherwise be sown; that it causes inferior barley to be neglected for malting purposes, though it is well known that such barley would make good malt; that it causes the labouring classes to consume an unwholesome kind of beer; that it prevents the farmers giving to their labourers wholesome home-brewed beer; that it prevents, to a great extent, the agricultural labourer brewing beer in their own cottages; that it prevents the farmers making malt on their own premises, as used to be the custom, it having been given in evidence that, in the counties of Essex and Cambridge, few of the farmhouses were, formerly, without malthouses attached to them. It has been proved to your Committee that malt is valuable for feeding purposes, and that the Excise restrictions, in preventing barley being sprouted for the feeding of horses and cattle, are injurious to the agriculturist.

3. Your Committee next examined maltsters from the counties of Suffolk, Norfolk, Hertford, Lincoln, Devon, and York; from whom your Committee gather that the number of maltsters has sensibly decreased in the last few years, whilst the quantity of malt manufactured has increased; that, although some of the witnesses were favourable to a repeal of the tax, they admitted that the trade, as a whole, were opposed to the repeal, on the ground that it would lead to an increase in the number of maltsters, and to the practice of malting by farmers; that the tax compels the maltster to use more capital in his trade, by at least 50 per cent., than would be otherwise required. The Committee feel bound to observe that it is given in evidence that the revenue officers offer every facility to the maltsters in the conducting of their business.

4. Your Committee examined two eminent corn-factors, who are large buyers of home-grown barley, and large importers of foreign barley. Their evidence goes far to show that, although, in certain localities abroad, first-class barley can be grown, yet that, as a rule, the best English barley would always command a higher price than foreign barley for malting purposes.

5. Your Committee also examined three gentlemen eminent as public brewers, who generally state that the consumption of beer has increased very much of late years; that more capital is required with the tax than would be required without it; and that public-house beer is not adulterated to their knowledge. Mr. Allsopp asserted confidently that the public brewer can and does deliver beer cheaper to the consumer than he can brew it for himself. Two country brewers were also examined, the first of whom objected to the repeal of the malt-tax, as he could see no good in it, whilst the other was of opinion that it would confer great benefit on the public generally, but especially on the labouring classes.

6. Your Committee also examined Mr. Gurdon, of Brantham Court, Suffolk, who has a plan for commuting the malt duty by levying a duty on the malthouse, according to measurement; a plan which certainly appears to have some merit, but upon which your Committee are not prepared to express any further opinion, inasmuch as it is novel, and requires to be considered by the officers of excise.

7. Your Committee next examined, on behalf of the consumer, a manufacturer employing large numbers of workpeople on the borders of Lancashire and Yorkshire, and a very intelligent labouring man from Playford, Suffolk. The latter, Elias Amos, stated that he was a farm labourer at Playford, and that he brews in his cottage three times a year; that he could brew oftener, and that he and his family should use beer instead of tea if malt were cheaper, as they can do more work on it; that he can do more work on the beer he brews than on public-house beer, which is not wholesome. He says all labourers in his country would brew if they could afford to do so. The former witness, Mr. Joshua Fielden, of Todmorden, gives important evidence as to the extent to which cottage brewing is carried on at the present time. He caused an examination

nation to be made, from house to house, in seven townships situate in the parishes of Halifax, Huddersfield, Calverly, and Rochdale. The total number of families visited was 9,822, and the result is that

76 per cent. of these families brew at home;
8 per cent. would brew, but cannot afford to do so;
6 per cent. buy their beer;
10 per cent. do not drink beer.

100

8. The witness accounts for the prevalence of this habit, by the fact that the wages received by a family in the manufacturing districts are so much more than those received by a family in the agricultural districts. He also states, from his own experience, that those who practise it are the least given to frequent public-houses, and are the most sober, steady, and industrious of the population. This witness contends that the malt tax being laid on the raw material increases in pressure at every stage of the manufacture or change of hand through which it passes, and he arrives at the following results: that, taking the price of barley at 31 *s.* a quarter, the tax, when paid by the maltster, is 70 per cent.; that the person who buys malt and brews beer from it pays a tax of 100 per cent.; and that the person who buys beer by retail in a public-house pays a tax of 140 per cent. Your Committee are of opinion that the principle on which this calculation is based is correct, and that the consumer of beer pays a very much heavier tax than goes into the Exchequer.

9. Two large distillers were examined by your Committee, of whom Mr. Menzies was anxious that the distillers should be allowed to make beer from some portion of his wort, and that the duty on such beer should be charged in the same manner as the drawback is now allowed on exported beer. This witness, with all the large Scotch distillers, presented a memorial to Mr. Gladstone to this effect, in 1866. But your Committee must add, that the second witness dissented from this proposition. He also thinks that a reduction of the duty on strong wines would interfere with the spirit duty.

10. Your Committee concluded this part of their labours by examining Sir Charles Pressly (formerly Chairman of the Board of Inland Revenue), and Mr. C. B. Forsey (Surveying General Examiner of Excise). The first of these witnesses stated distinctly that there would be no difficulty in raising a tax from private brewers; and the second could point out no insurmountable difficulty in substituting a brewer's license instead of the malt tax.

11. Your Committee consider that the result of the evidence taken by them is, that the malt tax prevents the farmer from cultivating his land to the greatest advantage; that it obstructs him in the use of a valuable article of food for cattle; that, by making it necessary to employ a large additional amount of capital in the important trade of malting and brewing, it has created and tends to foster two large monopolies; and that, by materially increasing the price of beer, it encourages adulteration, and prevents to a great extent the habit of brewing amongst the labouring people.

12. Your Committee, carefully reviewing the whole of the evidence before them, are of opinion, that the malt tax might be repealed, provided some means for raising the same amount of revenue, if required, be substituted either in the shape of a brewer's license or some other form.

13 July 1868.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 26th March 1868.

MEMBERS PRESENT:

Colonel Barttelot.
Mr. Dent.
Mr. Shaw Lefevre.
Mr. Henry Surtees.
Major Parker.
Mr. Read.
Sir Edward Manningham Buller.
Mr. More.
Lord Eustace Cecil.

Colonel *Barttelot* was called to the Chair.

The Committee deliberated.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 31st March 1868.

MEMBERS PRESENT:

Colonel Barttelot in the Chair.

Mr. Henry Surtees.
Mr. Arthur Peel.
Sir Edward Manningham Buller.
Lord Eustace Cecil.
Mr. Benyon.
Major Parker.
Mr. Read.

Mr. *Robert Hanbury Masfen* and Mr. *George Anderson May* were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 2nd April 1868.

MEMBERS PRESENT:

Colonel Barttelot in the Chair.

Major Parker.
Mr. Henry Surtees.
Mr. Read.
Colonel Duncombe.
Mr. Dent.
Lord Eustace Cecil.
Mr. Hardcastle.
Mr. Goschen.
Mr. Arthur Peel.
Sir Edward Manningham Buller.
Mr. More.

Mr. *Edmond Riley*, Mr. *Marshall Heanley*, and Mr. *Edward W. Moore*, were severally examined.

[Adjourned till Tuesday, 9th June, at Twelve o'clock.

Tuesday, 9th June 1868.

MEMBERS PRESENT:

Colonel Barttelot in the Chair.

Major Parker.
Sir Edward Manningham Buller.
Mr. Read.
Mr. Arthur Peel.
Mr. Henry Surtees.
Mr. Hardcastle.
Lord Eustace Cecil.
Mr. More.

Mr. *Manning Prentice* and Mr. *William Rudgard* were severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 12th June 1868.

MEMBERS PRESENT:

Colonel Barttelot in the Chair.

Major Parker.
Mr. Read.
Mr. Dent.
Mr. Arthur Peel.
Mr. Benyon.
Sir Edward Manningham Buller.
Colonel Duncombe.
Mr. Henry Surtees.
Mr. Hardcastle.
Mr. More.

Mr. *James Everitt* examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 16th June 1868.

MEMBERS PRESENT:

Colonel Barttelot in the Chair.

Mr. Read.
Mr. Henry Surtees.
Major Parker.
Mr. Benyon.
Mr. Arthur Peel.
Sir Edward Manningham Buller.
Lord Eustace Cecil.
Mr. More.
Mr. Hardcastle.

Mr. *Richard Hunt*, Mr. *Thomas Pitts*, and Mr. *Thomas Kemp Sanderson*, were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 18th June 1868.

MEMBERS PRESENT:

Colonel Barttelot in the Chair.

Major Parker.
Colonel Duncombe.
Mr. Arthur Peel.
Mr. Dent.
Lord Eustace Cecil.
Sir Edward Manningham Buller.
Mr. More.
Mr. Henry Surtees.

Mr *John Ross* and Mr. *Matthew Fuller Woodley* were severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 23rd June 1868.

MEMBERS PRESENT:

Colonel Barttelot in the Chair.

Major Parker.
Colonel Duncombe.
Mr. Henry Surtees.
Lord Eustace Cecil.
Sir Edward Manningham Buller.
Mr. Benyon.
Mr. Dent.
Mr. Ayrton.
Mr. Laing.
Mr. Arthur Peel.
Mr. Read.
Mr. Hardcastle.

Mr. *Arthur Pryor* and Mr. *Henry Allsopp* were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 25th June 1868.

MEMBERS PRESENT:

Colonel Barttelot in the Chair.

Major Parker.
Mr. Henry Surtees.
Mr. Dent.
Mr. Read.
Mr. Ayrton.
Sir Edward Manningham Buller.
Colonel Duncombe.
Mr. Hardcastle.

Mr. *Charles Peter Matthews* and Mr. *Richard Moss* were severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 30th June 1868.

MEMBERS PRESENT:

Colonel Barttelot in the Chair.

Major Parker.
Mr. More.
Mr. Read.
Mr. Henry Surtees.
Mr. Arthur Peel.
Sir Edward Manningham Buller.
Mr. Stephen Cave.
Mr. Ayrton.

Mr. *James Webb,* Mr. *William Gurdon,* and Mr. *Joshua Fielden,* were severally examined.

The Committee deliberated.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 2nd July 1868.

MEMBERS PRESENT:

Colonel Barttelot in the Chair.

Major Parker.
Mr. Read.
Mr. Henry Surtees.
Lord Eustace Cecil.
Mr. More.
Sir Edward Manningham Buller.
Mr. Arthur Peel.
Mr. Goschen.
Mr. Ayrton.

Mr. *Graham Menzies,* Mr. *James Pattison Currie,* Sir *Charles Pressly, Elias Amos,* and Mr. *Charles B. Forsey,* were severally examined.

[Adjourned till Monday, 12th July, at Twelve o'clock.

Monday, 12*th July* 1868.

MEMBERS PRESENT:

Sir Edward Manningham Buller.
Mr. Dent.
Mr. Goschen.
Mr. Henry Surtees.
Lord Eustace Cecil.
Mr. More.
Mr. Hardcastle.
Mr. Shaw Lefevre.
Mr. Ayrton.
Mr. Arthur Peel.
Mr. Read.
Mr. Case.

Colonel BARTTELOT in the Chair.

DRAFT REPORT, proposed by the Chairman, read the first time, as follows:

" THE SELECT COMMITTEE appointed in the Session of Parliament of 1867, 'to inquire into the operation of the Malt Tax,' reported to the House the Minutes of Evidence taken before them in that year. A Committee was again appointed in the present Session (1868), consisting of the same Members, with the exception of Mr. Hunt, now Chancellor of the Exchequer, and having concluded their examinations have to report the Minutes to the House, and have agreed to the following Report:—

" 1. Your Committee opened the inquiry by taking evidence from the Board of Inland Revenue, and the Chairman of the Board (Mr. Stephenson), put in a statement of the different rates of duty on malt from the year 1697 (when it was first imposed), to the present time, as follows:—

> " ' In 1697, on its first imposition, it was 6*d.* a bushel; in 1713, when it was extended to Scotland, it was 6*d.*; and, in 1726, in Scotland, it was reduced to 3*d.* ' Then, in England, in 1760, it was raised to 9¼*d.* a bushel; in 1780, it was raised to ' 1*s.* 4¼*d.* a bushel, and to 8*d.* a bushel in Scotland. Then, in 1785, the duty was ' imposed in Ireland, at 7*d.* a bushel; that was raised, in 1795, to 1*s.* 3*d.* Then, in ' 1802, it was respectively 2*s.* 5*d.* in England, 1*s.* 8¾*d.* in Scotland, and 1*s.* 9½*d.* in ' Ireland. In 1804, which was a year of war tax, it was raised to 4*s.* 5¾*d.* in ' England, 3*s.* 9½*d.* in Scotland, and 2*s.* 3½*d.* in Ireland. In 1813, it was raised to ' 3*s.* 3¾*d.* in Ireland; and, in 1815, it was raised to 4*s.* 5*d.* in Ireland. Then, in ' 1816, the duty was reduced to what it had been prior to 1804, namely, 2*s.* 5*d.* ' in England; and 1*s.* 8¾*d.* in Scotland, but it was reduced to 2*s.* 4½*d.* in Ireland. ' In 1819, it was raised to 3*s.* 7¼*d.* in England and Scotland, and 3*s.* 6¾*d.* in Ireland. ' Then, in 1822, the duty was fixed at 2*s.* 7*d.* uniformly, at which it stands at the ' present time, with the exception of 5 per cent., which was added in 1840 to the ' Excise duties generally, making the actual impost 2*s.* 8½*d.* For a short time, from ' 1854 to 1856, there was a duty of 4*s.*, during the Crimean war, and after that ' it reverted to 2*s.* 8½*d.*, as it stands now.'

" Following this statement, with regard to the amount of tax, Mr. Stephenson stated as a remarkable fact, that the amount of malt consumed had remained almost stationary for 100 years prior to 1830, although the population had largely increased; that during this period the consumption was 25,000,000 bushels a year, and that on the repeal of the beer duty in 1830 the consumption rapidly increased, until in 1866 it reached 45,000,000 bushels for England only. In 1866 the amount of malt on which duty was paid in the United Kingdom was upwards of 52,000,000 bushels. These statements lead your Committee to the conclusion that a reduction in the rate of duty would lead to a large increase in the consumption of malt.

" 2. Your Committee proceeded to examine several agriculturists of great practical experience, taken, respectively, from all parts of the country. These witnesses appeared to your Committee to be generally of opinion, that the effect of the malt tax is to interfere with the due rotation of crops, by causing wheat to be sown where barley could otherwise be sown; that it causes inferior barley to be neglected for malting purposes, though it is well known that such barley would make good malt; that it causes the labouring classes to consume an unwholesome kind of beer; that it prevents the farmers giving to their labourers wholesome home-brewed beer; that it prevents, to a great extent, the agricultural labourers brewing beer in their own cottages; that it prevents the farmers making malt on their own premises, as used to be the custom, it having been given in evidence that, in the counties of Essex and Cambridge, few of the farmhouses were, formerly, without malthouses attached to them. It has been proved to your Committee that malt is valuable for feeding purposes, and that the Excise restrictions, in preventing barley being sprouted for the feeding of horses and cattle, are injurious to the agriculturist.

" 3. Your Committee next examined maltsters from the counties of Suffolk, Norfolk, Hertford, Lincoln, Devon, and York; from whom your Committee gather that the number of maltsters has sensibly decreased in the last few years, whilst the quantity of malt manufactured increases every year; that although some of the witnesses were favourable to a repeal of the tax, they admitted that the trade, as a whole, were opposed to the repeal, on the ground that it would lead to an increase in the number of maltsters, and to the practice of malting by farmers; that the tax compels the maltster to use more capital in his trade by at least 50 per cent. than would be otherwise required. The Committee feel bound to observe that it is given in evidence that the revenue officers offer every facility to the maltsters in the conducting of their business.

"4. Your Committee examined two eminent corn-factors, who are large buyers of home-grown barley, and large importers of foreign barley. Their evidence goes far to show that, although, in certain localities abroad, first-class barley can be grown, yet that, as a rule, English barley would always command a higher price than foreign barley for malting purposes.

"5. Your Committee also examined three gentlemen, eminent as public brewers, who generally state that the consumption of beer has increased very much of late years; that more capital is required with the tax than would be required without it; and that public-house beer is not adulterated to their knowledge. Mr. Allsop asserted confidently that the public brewer can and does deliver beer cheaper to the consumer than he can brew it for himself. Two country brewers were also examined, the first of whom objected to the repeal of the malt-tax, as he could see no good in it, whilst the other was of opinion that it would confer great benefit on the public generally, but especially on the labouring classes.

"6. Your Committee also examined Mr. Gurdon, of Brantham Court, Suffolk, who has a plan for commuting the malt duty by levying a duty on the malt-house, according to measurement; a plan which certainly appears to have some merit, but upon which your Committee are not prepared to express any further opinion, inasmuch as it is novel, and requires to be considered by the officers of Excise.

"7. Your Committee next examined, on behalf of the the consumer, a manufacturer employing large numbers of workpeople on the borders of Lancashire and Yorkshire, and a very intelligent labouring man from Playford, Suffolk. The latter, Elias Amos, stated that he was a farm labourer at Playford, and that he brews in his cottage three times a year, that he could brew oftener, and that he and his family should use beer instead of tea if malt were cheaper, as they can do more work on it; that he can do more work on the beer he brews than on public-house beer, which is not wholesome. He says all labourers in his country would brew if they could afford to do so. The former witness, Mr. Joshua Fielden, of Todmorden, gives important evidence as to the extent to which cottage brewing is carried on at the present time. He caused an examination to be made, from house to house, in seven townships situate in the parishes of Halifax, Huddersfield, Calverley and Rochdale. The total number of families visited was 9,822, and the result is that

76	per cent. of these families brew at home;
8	per cent. would brew, but cannot afford to do so;
6	per cent. buy their beer;
10	per cent. do not drink beer.
100	

"8. The witness accounts for the prevalence of this habit, by the fact that the wages received by a family in the manufacturing districts are so much more than those received by a family in the agricultural districts. He also states, from his own experience, that those who practise it are the least given to frequent public-houses, and are the most sober, steady, and industrious of the population. This witness contends that the malt tax being laid on the raw material, increases in pressure at every stage of the manufacture or change of hand through which it passes, and he arrives at the following results: that, taking the price of barley at 31*s.* a quarter, the tax, when paid by the maltster, is 70 per cent., that the person who buys malt and brews beer from it pays a tax of 100 per cent., and that the person who buys beer by retail in a public-house pays a tax of 140 per cent. Your Committee are of opinion that the principle on which this calculation is based is correct, and that the consumer of beer pays a very much heavier tax than goes into the Exchequer.

"9. Two large distillers were examined by your Committee, of whom Mr. Menzies was anxious that the distiller should be allowed to make beer from some portion of his wort, and that the duty on such beer should be charged in the same manner as the drawback is now allowed on exported beer. This witness, with all the large Scotch distillers, presented a memorial to Mr. Gladstone to this effect, in 1866. But your Committee must add, that the second witness dissented from this proposition. He also thinks that a reduction of the duty on strong wines would interfere with the spirit duty.

"10. Your Committee concluded this part of their labours by examining Sir Charles Pressley (formerly Chairman of the Board of Inland Revenue), and C. B. Forsaye, Esq., (Surveying General Examiner of Excise). The first of these witnesses stated distinctly that there would be no difficulty in raising a tax from private brewers; and the second could point out no insurmountable difficulty in substituting a brewer's license instead of the malt tax.

"11. Your

"11. Your Committee consider that the result of the evidence taken by them is, that the malt tax prevents the farmer from cultivating his land to the greatest advantage; that it obstructs him in the use of a valuable article of food for cattle; that, by making it necessary to employ a large additional amount of capital in the important trade of malting and brewing, it has created and tends to foster two large monopolies; and that, by materially increasing the price of beer, it encourages adulteration, and prevents to a great extent the habit of brewing amongst the labouring people.

"12. Your Committee, carefully reviewing the whole of the evidence before them, are of opinion that the malt tax might, with justice, be repealed, and a license to brew be substituted; and they think they are justified in stating that no loss will occur to the revenue."

DRAFT REPORT, proposed by Mr. Dent, read the first time, as follows:

"1. During the Sessions of 1867, 1868, your Committee have received evidence on this subject from officers connected with the Excise, from agriculturists, maltsters, brewers, and consumers.

"2. The evidence of the officers of Excise, of the maltsters, and of the brewers, shows that the tax is one of yearly increasing amount, easily and cheaply collected, and not pressing with harshness upon the operations of trade, nor injuriously affecting the retail price of beer to the consumer.

"3. On the other hand, the evidence against the tax is generally presented by agriculturists, who complain of any impost upon their produce, as obstructing a judicious course of husbandry, and interfering with their unrestricted use of their own crops both in supplying beer to their labourers, and in feeding cattle and sheep. The evidence of the corn-dealers, and of the large brewers, and buyers of barley, tends however to throw doubt on their first objection; and the payment of beer in lieu of wages does not appear to your Committee a sufficient reason for removing so important a branch of the revenue.

"4. Various propositions have been submitted to your Committee, as to the substitution of a beer tax in lieu of the malt duty, but the difficulty of imposing the tax upon private brewers, and the inconvenience from the interference of the Excise in the operations of the public brewer, as well as the serious expense of collection, do not incline your Committee to look with favour upon the proposal.

"5. Another suggestion was made to levy a license duty instead of the malt tax; but the witnesses from the Excise Department have stated serious objections to this course, and as the license duty is to be levied upon the quantity of malt consumed, this would obviously be a mere shifting of the present tax, involving considerably more trouble in its collection, and risk to the revenue, without any sufficient advantage.

"6. Your Committee would suggest for the consideration of the Excise authorities, the propriety of allowing some relaxation of the law in favour of the farmer sprouting barley for the use of his cattle; and probably some extension of the malt credits, so as to levy the duty at or near the time of consumption, would be acceptably received by the smaller maltsters; but, having regard to the increasing expenditure, and the large amount it has now reached, and the present deficient state of income, your Committee are unwilling to incur the responsibility of disturbing so important a branch of the revenue as the Malt Tax."

MOTION MADE and Question proposed, "That the Draft Report proposed by the Chairman be now read a second time, paragraph by paragraph—(The *Chairman*).—Amendment proposed to leave out the words "the Chairman," in order to insert the words "Mr. Dent" instead thereof—(Mr. *Ayrton*).—Question put, That the words "the Chairman" stand part of the question.—The Committee divided:

Ayes, 6.	Noes, 6.
Mr. S. Cave.	Mr. Goschen.
Lord Eustace Cecil.	Mr. Shaw Lefevre.
Sir E. Manningham Buller.	Mr. Arthur Peel.
Mr. Read.	Mr. Ayrton.
Mr. Henry Surtees.	Mr. Dent.
Mr. More.	Mr. Hardcastle.

Whereupon the Chairman declared himself with the *Ayes*.

Main question put, and *agreed to*.

Draft Report, proposed by the Chairman, read a second time paragraph by paragraph.

Paragraph 1.—Amendment proposed to leave out the words, "These statements lead your Committee to the conclusion that a reduction in the rate of duty would lead to a large

large increase in the consumption of malt"—(*Mr. Ayrton*).—Question, That the words proposed to be left out stand part of the paragraph, put and *agreed to.*—Question, that this paragraph stand part of the proposed Report, put, and *agreed to.*

Paragraph 2.—Question, that this paragraph stand part of the proposed Report, put, and *agreed to.*

Paragraphs 3—10 *agreed to,* some with amendments.

Paragraph 11.—Question put, That this paragraph stand part of the proposed Report. The Committee divided:

Ayes, 6.	Noes, 6.
Mr. S. Cave.	Mr. Goschen.
Lord Eustace Cecil.	Mr. Shaw Lefevre.
Sir E. Manningham Buller.	Mr. Arthur Peel.
Mr. Read.	Mr. Ayrton.
Mr. Henry Surtees.	Mr. Dent.
Mr. More.	Mr. Hardcastle.

Whereupon the Chairman declared himself with the *Ayes.*

Paragraph 12.—Amendment proposed, to leave out the words, "with justice"—(The *Chairman*).—Question, That the words, "with justice," stand part of the paragraph, put and *negatived.* Another amendment proposed to leave out from the word "repealed" to the end of the paragraph, in order to add the words, "provided some means for raising the same amount of revenue, if required, be substituted either in the shape of a brewer's license or some other form—(The *Chairman*).—Question, That the words proposed to be left out stand part of the paragraph, put and *negatived.* Question put, that the proposed words be there added.—The Committee divided:

Ayes, 6.	Noes, 6.
Mr. Cave.	Mr. Goschen.
Lord Eustace Cecil.	Mr. Shaw Lefevre.
Sir Edward Manningham Buller.	Mr. Arthur Peel.
Mr. Read.	Mr. Ayrton.
Mr. Henry Surtees.	Mr. Dent.
Mr. More.	Mr. Hardcastle.

Whereupon the Chairman declared himself with the *Ayes.*—Question put, that the paragraph, as amended, stand part of the proposed report.—The Committee divided:

Ayes, 6.	Noes, 6.
Mr. Cave.	Mr. Goschen.
Lord Eustace Cecil.	Mr. Shaw Lefevre.
Sir E. Manningham Buller.	Mr. Arthur Peel.
Mr. Read.	Mr. Ayrton.
Mr. Henry Surtees.	Mr. Dent.
Mr. More.	Mr. Hardcastle.

Whereupon the Chairman declared himself with the *Ayes.*

Question put, That the Report, as amended, be the Report of the Committee to the House.—The Committee divided:

Ayes, 6.	Noes, 6.
Mr. Cave.	Mr. Goschen.
Lord Eustace Cecil.	Mr. Shaw Lefevre.
Sir E. Manningham Buller.	Mr. Arthur Peel.
Mr. Read.	Mr. Ayrton.
Mr. Henry Surtees.	Mr. Dent.
Mr. More.	Mr. Hardcastle.

Whereupon the Chairman declared himself with the *Ayes.*

Ordered, to Report, together with the Minutes of Evidence and Appendix.

EXPENSES OF WITNESSES.

NAME of WITNESS.	Profession or Condition.	From whence Summoned.	Number of Days absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Robert H. Masfen - -	Farmer and Valuer	Pendeford, Wolverhampton.	2	1 18 –	2 2 –	4 – –
George Anderson May -	Farmer and Grazier	Elford Park, Tamworth.	2	2 6 –	2 2 –	4 8
Edward W. Moore - -	Land Agent - -	Highworth, Wilts -	2	1 16 6	2 2 –	3 18 6
Marshall Heanley - -	Farmer and Grazier	Bugh, Lincolnshire	3	2 9 –	3 3 –	5 12 –
Edmond Riley - -	Farmer and Grazier	Beverley, Yorkshire	3	2 15 –	3 3 –	5 18 –
Manning Prentice - -	Maltster - -	Stowmarket, Suffolk.	2	- nil. -	2 2 –	2 2 –
William Rudgard - -	Maltster - -	Lincoln - -	2	2 6 6	2 2 –	4 8 6
Richard Hunt - -	Maltster - -	Ware - - -	1	– 12 –	1 1 –	1 13 –
Thomas Pitts - - -	Maltster - -	Plymouth - -	3	4 16 –	3 3 –	7 19 –
T. K. Sanderson - -	Maltster - -	Wakefield - -	3	2 15 –	3 3 –	5 18 –
Edward Stenning - -	Maltster and Farmer.	Godstone - -	1	– 12 –	1 1 –	1 13 –
James Everett - -	Maltster - -	Norwich - -	3	2 10 6	3 3 –	5 13 6
Elias Amos - - -	Agricultural Labourer.	Bealings, Ipswich -	1	1 6 9	– 10 –	1 16 9
					£.	55 10 3

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MINUTES OF EVIDENCE.

Tuesday, 31*st March* 1868.

MEMBERS PRESENT:

Colonel Barttelot.	Mr. Arthur Peel.
Lord Eustace Cecil.	Mr. Benyon.
Sir Edward Manningham Buller.	Mr. Read.
Major Parker.	Mr. Henry E. Surtees.

COLONEL BARTTELOT, IN THE CHAIR.

Mr. ROBERT HANBURY MASFEN, called in; and Examined.

Mr. *R.H.Masfen.*

31 March 1868.

Chairman.] YOU live at Pendeford, near lverhampton?—I do.

. How far is Pendeford from Wolverhamp-?—Four miles.

. Is Wolverhampton your market town?—s.

. Wolverhampton is a good market, is it not? t is.

. I think you farm 520 acres of land?—.

. Of which, 150 acres are pasture?—Yes.

. And the remaining 370 arable?—Yes.

. Is it your own land, or do you rent it?—nt it.

. From whom?—From Captain Butler.

0. Is yours a light or a heavy soil?—It is a t soil.

1. It is generally good barley land, I believe? great portion of it is.

2. Do you farm upon the fourcourse system? ot strictly upon that system; I vary the se.

3. When you say "not strictly," do you mean that is not the course you usually adopt?— not adopt that system entirely.

4. What course do you usually adopt?—I erally, though not exclusively, adopt the four-se system; I vary it occasionally, by sowing ey after wheat; I am keeping down a portion y land two years.

5. In clover ley, I presume?—Yes.

6. I understand from your answer that, as a , you farm upon the fourcourse system?—I o as a rule.

. Do you grow the best class of barley?— ow a good class of barley.

. It may perhaps be considered, without g of the highest class, a good average first- barley?—It is above the average, but it is he very first-class barley.

19. Have you considered the effect of the malt tax upon the cultivation of barley?—I have.

20. Do you think that it interferes in any way with that cultivation?—I believe it does.

21. In what way does it interfere with the cultivation of barley?—Because in the event of my farming my land upon the fourcourse system, I should have fully 90 acres of barley per annum. I frequently had that quantity when I first occupied my present farm, but I was so subject to the changes of the season, that I reduced that quantity to 65 or 75 acres, which is the general quantity which I now grow.

22. Then you mean to say that, supposing there were no malt tax to hamper you, you would grow the full quantity of barley?—I would; I think it is more desirable for my land that I should produce a larger quantity of barley than I now do.

23. In the place of barley, I presume, you grow wheat?—I do.

24. Is not wheat a much more exhaustive crop for the land than barley?—Yes; I consider that it is so.

25. Therefore, in point of fact, for the sake of making a larger profit, you farm in a way that you know is not so profitable to your land as you would do, supposing the malt tax were taken off?—I do.

26. Have you ever used any malt for cattle feeding purposes?—I have used a large quantity.

27. Have you found it successful for fattening of cattle?—I have found the malt alone very successful, but I do not find the present mixture, under Mr. Gladstone's Bill, so successful.

28. I am asking now with reference to malt pure?—I have not used malt pure to any great extent, but I have used it frequently.

29. Should you use malt pure for cattle fattening

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ing purposes, or should you use it with other condiments?—I should use it with other condiments.

30. You think that it would be a very good auxiliary to other food?—I do.

31. Have you ever tried what is called Mr. Gladstone's mixture?—I have.

32. What is your experience of it?—My experience is, that it is not so beneficial as it would be pure, for three reasons; the first is, that it is ground so fine that it blows about when it is windy weather; the second is, that the mixing of the linseed with it makes it more expensive to use in a damp atmosphere; and third is, a great portion of that finely-ground composition adheres to the bottom of the troughs in which the sheep are fed; and also in the case of cattle, where they have turnips in the mangers at home, it is in too fine a state to be considered as desirable as we should wish it.

33. Then in your opinion that mixture is not generally used because it is too fine, and because it is not so profitable as the pure malt?—I have used several tons of it, and that is my experience. I have used it two years; I have not used it this winter, but I used it last winter and the winter previously.

34. Have you used any malt for feeding lambs?—I have.

35. Did you find it beneficial for that purpose?—I did.

36. And more particularly in bad and wet weather, I presume?—Yes, after weaning more especially.

37. I had better, perhaps, ask you how many sheep you keep?—I keep 700 or 800.

38. What number of lambs have you in that flock on an average?—I have about 300 lambs.

39. That would be from 250 ewes, I suppose?—From 190 to 220 ewes.

40. You say you constantly use malt for feeding the lambs?—I should be very glad to use it constantly, but I do not do so at present.

41. Do you consider that if the malt tax were taken off, and you could use malt duty free, you would use it every year; for all your lambs every year?—I would.

42. I believe you use a great quantity of oil cake?—I do.

43. Have you taken any trouble to find out of what that oil cake is composed?—I have.

44. Have you had it analysed?—I have.

45. Who analysed it for you?—Professor Voelcker.

46. What was the substance of the report which Professor Voelcker made to you?—I will read it to you. I had some of the oil cake analysed within the last month, and this is the Professor's report to me: I should state that this oil cake costs upon the average 13 *l.* per ton at the present time. "I have pleasure in enclosing copies of careful analysis of the three samples of oil cakes which you sent to me a short time ago, and regret to say they are not pure or genuine linseed cakes. The analysis marked $\frac{\text{No. 1}}{\times}$ and $\frac{\text{No. 2}}{\times\times}$ you will observe are poor in oil and flesh forming matters, and No. 2 contains a good deal more sand than it ought to contain. All three cakes apparently contain a large proportion of grass seeds and foreign starchy matters, not found in pure linseed cakes. They are, moreover, made from dirty linseed, especially No. 2, which contains a great variety weed seeds. $\frac{\text{No 3}}{\times\times\times}$ is the best and $\frac{\text{No. 2}}{\times\times}$ t worst of the three cakes, and all are inferi and adulterated linseed cakes, which resembl each other closely in their general character.

47. Where did you buy that cake which y sent for analysis?—I bought it in my own neig bourhood.

48. In the neighbourhood of Wolverhampto —Yes.

49. Did you consider that the man who sol to you was a first class man?—I did.

50. And he supplied you with the best ca that he bought?—He did.

51. Therefore you think, that it would be great advantage to you if you were allowed to malt for fattening purposes if the malt were subject to duty?—I do.

52. Have you tried sprouted barley at all?— have.

53. What is your opinion of sprouted barl for food for cattle?—I consider it more adapt for horses than cattle. I have been more pleas with its effect upon horses than upon cattle.

54. I think we have it in evidence fr Mr. Clayden, that sprouted barley is an excelle thing for cattle also?—I have not tried it cattle; my experience of it has been confined horses only.

55. Therefore with regard to its effect up cattle you cannot answer my question?—I ca not.

56. The use of sprouted barley has been pr hibited by the excise, has it not?—It has.

57. When did you first hear that it was p hibited?—Two or three years ago.

58. But before that time, there was no jection to the making and using it under gene restrictions, was there?—There was no object at all. I was never interfered with.

59. You think that it would also be a gr advantage if that boon was also afforded to yo —I do.

60. You pay a great deal of attention to yo labourers, do you not?—I do.

61. Is it your opinion that your labour ought to have meat every day?—I should be ve glad to see them have it.

62. How often on an average do your labour have meat?—I think with me, they have m three or four days a week. Wages are very hi in our neighbourhood.

63. What wages are you giving at this mom for ordinary agricultural labourers?—T average wages of my labourers is from 15*s.* 16 *s.* a week. I do not include in that amou boy labourers, waggoners, or shepherds.

64. Would anything that makes meat chea be of great advantage to the labouring men?— would.

65. Therefore, you think, that anything may grow should be duty free, so that you mi be able to use it and turn it to the best advanta —Yes, I do.

66. Do many of your men brew beer?—Al them do.

67. How many men do you employ?—I emp 12 regularly.

68. Will you kindly inform the Committee quantities and strength of what they brew They brew in May and during the sum months four bushels of malt which I find the and the generality of them brew it at the stren

om 18 to 20 gallons per bushel; some of them a smaller quantity of stronger beer and a er quantity of weaker beer.

. Then you think that as far as your labour- are concerned, the repeal of the malt tax ld be a decided advantage to them?—I do.

. Do you know anything of the public- e beer in your country?—I do, I am sorry to

. Do you ever give your men any of the ic-house beer?—Never.

. Why do you not give your men the public- e beer?—I do not like it; it is so impure in cases that it is not desirable for them to it.

. We have it in evidence that in many places ublic-house beer is of a most disagraceful cha- r; and that it tends very much to intoxicate eople although they take only small quan- of it?—It has that effect generally. It is ll of that character. There is some good sold at public-houses.

. Is it within your knowledge that many of abouring class in your country brew at home? he better class of labourers do brew where have the opportunity.

. Throughout the whole district?—Not ughout the whole district; but in my imme- neighbourhood they nearly all brew.

. Do you know anything of foreign barley? know a little of it.

. Have you any fear of competition with gn malt or foreign barley, in the event of alt duty being repealed?—I have not.

. Why have you no fear of competition?— use the relative value of the two is not suffi- ly in favour of the foreign to cause me any or anxiety as to what would be the result in vent of the repeal of the malt tax.

. Sir *E. M. Buller.*] You say that you grow barley than you would do if the malt tax repealed?—I do.

. What do you suppose would be the effect e repeal of the malt tax which would induce so to alter your cultivation?—The increased tity that would be required.

. And you would consequently anticipate crease of price?—I do not know that I d anticipate an increase of price; but it d be required for use in so many different . I could use it with great advantage as for my cattle, if the tax were repealed.

That would be the advantage you would to rather than any increase in the price?— is the greatest advantage, I should consider.

. You say that you use it for lambs; do you it to the ewes when the lambs are with ?—No; I give it to the lambs in summer, they leave the ewes.

Can you tell me what quantity of malt you use for your 300 lambs, and what quantity robably would use if the tax were repealed? e first year that I used what we call Glad- 's mixture, five tons of it was consumed, and ext year between two and three tons.

Did not you use any malt separately?— e used malt for sickly lambs and unhealthy , and in a mashed state, but not dry, for my

Supposing the malt tax were repealed, instead of using Gladstone's mixture, as you t, you would use malt?—Yes, pure malt.

Would there be any difficulty in altering ode of grinding the barley in Gladstone's 7.

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mixture, so as to obviate the inconvenience which you say arises from the extreme fineness of the meal?—The fact is that the ingredients used in addition to the malt are so fine in themselves, that it renders it difficult to grind it differently.

88. You have said that all your labourers brew, and that they brew four bushels of malt during certain months?—Yes; but I forgot to remark that the greater portion, nearly all my labourers, brew their own malt during the year; but they brew four bushels of malt in the harvest, which I find them. They brew a larger quantity in the summer than they do during the winter months.

89. Do they brew those four bushels at one time, or at different times?—At different times.

90. How much do they brew at a brewing?—From half a bushel to a bushel.

91. Have they brewing utensils of their own?—A great portion of them have. As regards the tubs and cooling utensils, they lend them to each other; but they have barrels of their own.

92. What size are those barrels?—They vary in size from 9 to 27 gallons.

93. Do you know how the beer which they brew keeps during the summer?—I have tasted nearly every man's brewing, and it is very nice, palatable beer; it is as nice as you would desire.

94. And they are able to keep it?—Yes, for some weeks.

95. Are the labourers' houses generally good in your neighbourhood?—They are very respectable cottages.

96. Are they provided with a cellar?—The cellar or the back premises is where the beer is generally kept. I do not know whether it may be called a cellar; but we go down three, or four, or five steps into the cellar in the back premises.

97. It is like a little dairy?—Yes, it is more like a dairy. It is equal to a cellar when it is on the proper side of the house as regards the sun.

98. You say, that in the public-houses the beer is very impure. Do the publicans buy it from the brewers in the neighbourhood of Wolverhampton?—Some do; but I think that what they get from the brewer is generally of a better character than what they brew themselves.

99. You do not attach much value to home brewing in a public-house?—I think the beer is very inferior. I think the beer which the publicans brew is the worst beer that they sell.

100. The brewers at Wolverhampton sell a good beer?—Yes, some of them do. Good beer is obtainable from the good brewers.

101. And if the beer obtained from the brewers is bad at the public-houses, it is because it has been adulterated at the public-houses, and not by the brewers?—That is so. I buy my beer from the brewers, and I find it good; but my labourers frequently complain that what they buy at the public-houses is exceedingly bad. Whether it is an inferior article that the publicans purchase from the brewers, or whether it is an adulterated article, I cannot say; but my opinion is that it is adulterated at the public-house after it comes from the brewers.

102. Have you given your labourers any of that beer that you get from the brewers, to any extent?—I have.

103. Do they find it as good as their own?—It is a different class of labourers who have that beer; they are Irish labourers, and bachelors who have no accommodation for brewing.

104. What is the price of the beer which you usually

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usually give them?—It varies in price, from 6 *d.* to 1 *s.* per gallon.

105. One shilling being the price of the highest?—One shilling being the best.

106. You are not in the habit of brewing extensively yourself?—I never brewed in my life.

107. You could not give any opinion of the effect that the removal of the malt tax would have upon the price of the beer?—Individually, I could not.

108. Lord *Eustace Cecil.*] It has been stated by several witnesses, that either mixed malt or saccharised barley is constantly used for fattening cattle; I understand that you prefer pure malt?—I do.

109. Is that practice common in your part of the country?—It is desired to use it more than it now can be by being compelled to pay the duty.

110. And therefore the repeal of the tax would affect you, and those who live in your part of the country, much more than those who live in other parts of the country, who use mixed malt, because you would use a greater quantity of malt?—Yes, I should use a greater quantity of malt in the event of the repeal of the tax.

111. You say that you give your labourers 15 *s.* or 16 *s.* a week wages?—I do.

112. Do you give them anything besides?—No, I do not; my labourers' wages are 14 *s.* a week in cash.

113. You do not give them 15 *s.* or 16 *s.* a week in cash?—I pay them 14 *s.* in cash; in the case of waggoners who have a house and garden, with 20 rods of potato ground, I pay them 14 *s.* a week; and in addition to that, 2 *l.* per annum for beer, and four bushels of malt before the harvest, which I give them in May, that is equivalent to 16 *s.* a week.

114. The labourers about you are considered to be in the receipt of very high wages?—They get very high wages, and my waggoners cost me on an average 17 *s.* a week, and the shepherds too.

115. Do you supply more than four bushels of malt to your labourers per annum?—Not more than four bushels.

116. The rest they supply themselves with?—Yes; they receive 10 *s.* a quarter from me in lieu of beer.

117. Have you any reason to suppose that they drink any public-house beer at all?—I do not think they do at home; my men are a steady class generally. I have very little complaint to make of their going away to public-houses.

118. They are able to brew sufficient beer for the consumption of themselves, their wives, and families?—They are.

119. And you consider that the repeal of the tax would be a very great boon to them, inasmuch as they would get their malt a great deal cheaper?—I do.

120. You have been speaking about the public-house beer being impure; do you know what it is adulterated with?—The information I have received is, that it is in part adulterated with tobacco, and in part with grains of paradise, coculus indicus, and other ingredients.

121. Have you reason to suppose that poisonous substances enter into its composition at all?—I believe that that is the case.

122. Salt is introduced in the mixture of beer very much, to increase thirst, is it not?—It is.

123. Have you turned your attention to the
subject of a substitute for the malt tax, in th
event of its repeal?—I think a much more desi
able thing for us as an agricultural body wou
be a beer duty.

124. You think that it would be popular wi
the farmers about you generally?—I believe
would.

125. You have formed no idea as to how th
beer duty is to be raised, I suppose?—I do n
say that I have particularly.

126. Because, if you have, perhaps, you mig
be able to inform the Committee?—I have thoug
the matter over, and my idea is that that du
should be upon a graduated scale upon all be
brewed for sale, and in the event of the repeal
the malt tax, I think the farmer who brews h
own beer should take out a license in proporti
to the land that he occupies. That would th
leave him at liberty to use the malt for
purpose he thought fit, whether for feeding h
cattle or anything else.

127. How would you manage with regard
private brewing?—Does your Lordship me
non-agricultural private brewers?

128. Yes?—I think it might be done on t
same ratio as a house tax, or a poll tax.

129. Have you turned your attention to co
pounding for the tax?—I have not.

130. Would you make the labourers pay?
I would not make the labourers pay at all.

131. Mr. *Benyon.*] With reference to the wag
that you pay, do I understand you to say th
your carters have 14 *s.* a week, a cottage and
garden, and four bushels of malt?—My carte
have 13 *s.*, a cottage, and 20 rods of potat
ground, part as a garden, the remainder bei
made up in a field.

132. And four bushels of malt?—Yes, and
per annum for beer.

133. That is for a carter?—It is.

134. What is the difference between t
labourers' and the carters' wages?—The labou
ers do not all live under me. I calculate th
there is a difference of 1 *s.* 6 d. per week betwe
the two.

135. What are the labourers' wages?—All t
best men have 14 *s.*, but I have some who
13 *s.*

136. As well as four bushels of malt and
per annum for beer?—That is so.

137. What are the rents of the cottages gen
ally in your neighbourhood?—They vary v
much; in some cases they are high and in so
cases low. The average rent of a cottage a
garden is from 3 *l.* to 4 *l.* a year.

138. Major *Parker.*] You have spoken of
value of malt as feeding stuff; are there not ot
stuffs arising out of the making of malt that
very valuable?—There are; for instance, m
combs, malt dust, and grains.

139. They are more valuable in wet seas
when hay has been damaged by rain, are th
not?—They are.

140. And you look upon them as very valu
articles for the fattening and rearing of stock
Particularly so.

141. You spoke of your labourers brewin
home, generally; do they also bake at home
They do invariably.

142. Do you consider that what arises from
brewing process, I allude to yeast or barm,
very valuable article in the making of bread
do.

143. Is not the quality of the bread very m

affe

cted by the goodness or the inferiority of the
st ?—It is; very much.

44. You look upon it as a great advantage not
for securing them good beer at home, but as
oling them with greater certainty to have
er bread ?—I do.

45. I think you were alluding to the manner
hich you would meet the revenue consequent
he abolition of the malt tax; and you said
you would have a license granted in propor-
to the quantity of land occupied ?—Yes; for
ate brewers.

46. Would you specify whether it was arable
or other land ?—I would; it would not be
to put the grazing land upon a footing with
arable land, because the requirements of one
very much greater than the other as far as the
ation of the malt tax is concerned.

47. Mr. *Surtees.*] With regard to private
ons, not farmers, you would have the license
ted in accordance with the rateable value of
house ?—In accordance with the rateable
e of the house or the occupants of the house,
ie shape of a poll tax.

48. Upon the number of occupants ?—Yes;
ı the number of occupants.

49. With respect to the beer which you say
r labourers brew, can you tell me what you
ider to be the cost to them per gallon of that
?—My idea is, that it costs them from 6 *d.*
d. per gallon.

50. It is as good or better beer than they
d buy of the publican, at what price ?—Six-
pence a gallon. The beer that they produce
the malt I find them at something like 8 *d.*
llon is a much better article than they buy
uble the price of the publicans.

51. Do you consider that the malt tax affects
nferior qualities of barley more prejudicially
it does the best qualities ?—I do; in some
s, when there is a good crop of barley, it is
ssible to sell any damaged barley for malt-
unless we kept it very late in the season;
then it is sold at a very reduced price.

52. To what extent in price do you think the
tax interferes with the value of the in-
r barley ?—I should think 8 *s.* a quarter at
.

53. Mr. *Arthur Peel.*] I do not quite under-
d your evidence as to the adulteration of lin-
cake. You say that the adulteration of
ed cake induced you to come to the conclu-
that the malt tax should be abolished; that
s so adulterated that you preferred to use
for your cattle ?—I do; I think you were
ent when I read the report of the analysis
rofessor Voelcker upon the three samples of
high-priced cake.

54. Supposing they were both equally un-
terated, what would be the relative value of
ed cake and malt for the purposes of feeding
e ?—I do not put them in juxta-position at
I consider malt most valuable as an ad-
t to other things; it is most desirable for
ng with chaff as far as cattle is concerned,
for young sheep stock.

55. Do you grow a quantity of barley ?—
.

56. Upon what do you ground your confi-
e that you will be able to compete with
gn barley in case of the repeal of the malt
—I am not a maltster, but I have made it
business to inquire from different gentlemen
have malted foreign barley; and I am led
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to this conclusion, that we have nothing to fear from the competition of foreign barley, from the fact of the difference in quantity which foreign barley produces when malted compared with the best description of the home grown; I find there is scarcely a difference of opinion on that point. They all agree in stating that there is a greater amount of loss from 100 quarters of foreign barley compared with 100 quarters of English barley, when malted.

157. I thought it was the tendency of brewers to employ only best barley in brewing ?—The result is the same with the best barley. The common expression is that the outcast from the home grown is considerably greater than the outcast from the foreign.

158. *Chairman.*] What I understand you to say was, that the oil cake was so adulterated that it would be a greater advantage to you to use your own produce when malted which you would know to be pure ?—That was my remark.

159. Just let me ask you one question with regard to Mr. Law's experiments; have you read of those experiments ?—I have.

160. Was it a fair test of the malt tax or not? —I do not think that it was a fair test.

161. Why not ?—I think the quantity he gave in most cases was not likely to be attended with beneficial results.

162. Neither with reference to bullocks and cows nor sheep ?—I do not think it was. I should not have given the quantity he gave in any case. If I were to give my stock in the same proportion that Mr. Laws applied in his experiment, I should consume annually more malt than I produce of barley in the year.

163. I wish to ask one question as regards the difference in the classes of barley. You, of course, consider that the malt tax presses much more heavily upon the inferior class of barley than upon the better class of barley ?—I do.

164. What is the difference that you think the repeal of the tax will make in the price of the inferior barley ?—It will make 4 *s.* a quarter more than it does now. The difference between the relative value of one and the other, I think, is affected to that extent by the malt tax; 6 *d.* per bushel is the difference that the malt tax causes now, and probably much more, but it is a question of degree.

165. Have you great difficulty in selling the inferior barley now ?—Very great difficulty.

166. If the malt tax were repealed, and that inferior barley were made into malt, would it not make excellent beer ?—Very good beer.

167. Sir *E. M. Buller.*] If you suppose that the inferior barley would be increased in price in consequence of the power you would have of converting it into malt, would not that tend to diminish the price of the best barley which now has a great superiority over the inferior barley in consequence of the malt tax ?—I do not think it would diminish the price because there would be a much greater requirement for barley, if the malt tax were repealed, than there is at the present time. I look upon barley as divided into four classes: There is the very fine, the good barley, the damaged barley, and the very inferior barley; it is the third class of barley that would be more benefited; the second and third would be benefited, but I think the third class would be most benefited by the repeal of the tax, because I should use the whole of that class of barley for feeding purposes when converted into malt.

168. With

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168. With reference to the best barley you would calculate upon the price of it being maintained by the increase of the demand?—I do, because the demand would increase very much.

169. Though there would be a considerable portion of the inferior barley which would be malted, still it would not do more than supply the increased consumption; and the demand for the best barley might be considered, at all events, as remaining the same as it is now?—Yes, I think so.

170. Major *Parker*.] You spoke of the different varieties of cake analyzed?—Yes.

171. Do you speak of the English cake or foreign cake?—The analysis referred to English cake; and I might observe, that when I found the analysis of the cake which I bought at a very high price to be so very unsatisfactory, I naturally asked myself whether we are not most fearfully robbed by the lower class of cake.

172. Do you look upon the English cake as superior to any foreign cake?—I do.

173. Do you use the American bag cake or barrel cake?—I have used bag cake and barrel cake, too.

174. Did you ever prove the excellence or inferiority of one over the other?—I own in some cases I found it a very valuable cake; in the others analysis has proved to be very inferior in its character.

175. You spoke of cake at the very high price of 13*l.* per ton; that is a very high figure?—Very high.

176. Have you ever analysed American bag cake or American barrel cake of that price?—I have. The way in which we, as agriculturists, arrive at these analyses is this: two or three of us join together and when we buy cakes each one sends a sample of the different cakes which he may happen to purchase; and then we share the expense amongst us. These analysts then come to us and we compare the different results. I this case which I have read to you, three classe of cake were sent to Professor Voelcker a mont ago. I only purchased one of those cakes my self; but two friends of mine purchased th others. We consider that that is a more desirabl course to pursue than that one person should b invariably sending up to any professor for hi opinion.

177. You are aware that the agricultural com munity look with very great interest at all tha transpires in these inquiries; and in certain di tricts we are in the habit of dealing a good dea with every variety of cake?—Yes, I am aware that.

178. And in speaking of the merits or demeri of oil cakes, it would be very important that w should know exactly what cake you allude t The three varieties of cake which you speak are all of English manufacture?—They are.

179. But when you spoke of the American cak I think you said that you had some of the ver finest quality?—I have had a very fine qualit of the American cake. I do not think, as a rul that the American bag cake is equal to the be English cake, it does not come to so high a price.

180. Mr. *Surtees*.] Do you happen to kno whether much foreign barley is malted in th country?—A great deal.

181. Do you imagine that any quantity foreign barley has failed to be malted in cons quence of the malt tax?—The great bulk foreign barley that comes here would not l malted under any circumstances, in the event the repeal of the tax taking place; some seco rate foreign would be malted if the duty w repealed, I have little doubt.

182. You think there would not be any larg quantity of foreign barley malted beyond wh is now malted if the tax were repealed?—I not think there would be to any extent.

Mr. George Anderson May, called in; and Examined.

Mr. *G. A. May.*

183. *Chairman*.] I think you live at Elford Park, Tamworth?—I do.

184. In the same county as the last witness?—Yes.

185. Tamworth is a good market, is it not?—No, it is not; it is a very small market.

186. What is the principal market in your neighbourhood?—Lichfield is larger than Tamworth.

187. I am speaking with regard to the corn market?—I should suppose Burton would be larger than Lichfield; but Birmingham is our large market.

188. Birmingham is both a cattle and corn market, is it not?—It is.

189. I think youfarm 535 acres of land?—I do.

190. Of which about 300 acres are arable?—Yes.

191. I think you keep a large quantity of stock, do you not?—We do; our usual quantity is 100 head of horned stock, and at this time of the year we have 700 or 800 sheep and lambs.

192. Is yours a barley farm?—No, it is not, strictly speaking; we have different classes of land; some of it is rather light, but the larger part of it is strong loam upon marl.

193. But you do grow a considerable quantity of barley?—We ought to do it, but we do not do it.

194. What course do you farm upon?— should be the five-course system; but we dep from it, as it suits us to do so. We have definite rule. If a field is in a peculiar state cultivation, we change the crop to suit it as as we think it advisable to do so; but taking as a general thing, we should adopt the five-cour system for the strong land.

195. How many acres of barley do you usua grow every year?—In 1863 I grew 22 acres; 1864, 29 acres; in 1865, 16 acres; in 186 44 acres; and in 1867, 31 acres.

196. You say that you farm upon the five-cour system as a rule?—As a rule it may be said th we do; but we depart from it very frequently.

197. According to that rule you ought to gr 60 acres of barley?—From 60 to 70 acres barley.

198. Is it your reason for not growing y full complement of barley, that you find that sale of anything but first-class barley is remunerative?—Yes, that is one reason.

199. I presume you grow wheat in the pla of the barley that you would otherwise grow? We do.

200. Is not wheat a much more exhausti crop to the land than the barley would be?—Y it takes different properties out of the land wh we should like to retain in it in the course, and,

a ru

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ule, when we grow spring wheat we are obliged select the very best and warmest land for it, l to have it in a very high state of cultivation. e think that barley is a grosser feeder really n wheat; and from being a shorter time upon land, which of course it is, it does not ab-act nearly so much from the land as wheat.

201. Do not you also find that barley straw is ch more useful for feeding purposes than eat straw?—We think it much more useful l more digestible altogether, from being softer; straw has not so much silica in it; it is more ily digested.

202. Notwithstanding that barley straw is ter food for cattle, and notwithstanding that wing barley is better for the land in its proper urse, yet for the sake of making your farm pay, u prefer growing the wheat?—Yes, resort to t is our only chance, because sometimes, in ne seasons, we really have no means of selling ley at all. In 1865 and 1866 I did not sell a gle quarter of barley for malting.

203. The reason why in 1865 and 1866 you did sell barley for malting, I presume, was be-use it was stained or damaged?—That was so.

204. And if the malt tax were taken off, and could use your barley as you pleased, you uld then cultivate your land on the five-course stem, and grow the quantity of barley which u ought to grow upon your land?—We dare it then, because we should be able to sell the ond-class barley; the reason why we do not it now, plainly is, that the per-centage of tax s so much more heavily upon that barley than does upon the better class of barley.

205. What in your opinion would be the price the second-class barley, supposing the duty re taken off, compared with its price at the sent moment?—I should rather class it as Mr. sfen has, into four kinds; we raise fine ley, which brews fine ale, and we raise good ong barley, grown on soils like my own, which, roperly harvested, makes very good ale; and ich, this year, reaches on towards the best; n we get the third class, which may be a little naged and a little sprouted, perhaps, which maltster will touch, because there would be e which would not make malt. The repeal the tax would raise that very materially; I nk we should often use it as malt for ourselves.

206. Lord *Eustace Cecil.*] Which would you , the second or the third-class barley?—The rd-class.

207. I understand you that the third class uld not make such good malt?—Some would ; it is a question of duty; the present price in rmingham is from 45 *s.* to 50 *s.*; 50 *s.* would resent the very best barley, and 45 *s.* would resent what is really a very good sound bar-, but dark in colour; grown upon such land my own; but these things are relative, accord-to the growth, and according to the demand them. Supposing trade is bad, and the hops dear, or anything has affected the brewing rest, then the second class falls away much re than the first does.

208. *Chairman.*] I presume that you have a dy sale for all the first-class barley in your ghbourhood?—For the first-class barleys we e a very ready sale.

209. The Burton brewers take any amount can grow?—Yes; they take any amount.

210. If the tax were repealed, you would either able to use for brewing or for feeding purposes those other barleys which you grow now, and which you cannot now sell except at a very reduced price?—Just so; and we should malt it for our own use if we had not to pay a duty upon it. We could brew ale even from the third class, because the residuum would be very useful to us as food for cattle afterwards. What we want is really to do as we like with it, and to have the thing in our own hands, not to be tied up, and not to be obliged to say, I must sow a field this season of the year with so and so, because of so and so; we wish to be dependent upon ourselves alone, with no legal restrictions.

211. With what class of barley would the foreign barley most compete?—I do not know whether I could answer that question fully. I believe that the first and largest brewers in Burton use foreign barley; and I suppose they brew their pale ale from it; but I am not in a position to say whether the best foreign barley is equal to our best English barley.

212. You cannot answer that question?—I cannot; but I should think that our own barley would be found to be really the better of the two.

213. Do you buy any screenings of malt from your maltster for any purpose?—I do. I consume a great deal of what is called malt dust. I use from 10 to 12 tons of it a year.

214. For what purpose do you use it?—I use it principally for sheep. I am using it now for beasts also. It sweetens the food, and makes it very attractive.

215. What do you mix with it?—We mix pulped roots and straw chaff.

216. Have you used any malt for feeding cattle?—I have not for feeding cattle.

217. Have you used malt for feeding sheep?—I have for show sheep.

218. You have not used it for feeding lambs?—I have not; because it is so very expensive. I should like to do so. If the malt were free of the duty, I should use it very largely.

219. When should you use it for lambs?—I should give it to ewes prior to their lambing.

220. But not to lambs when weaned?—I might give it to the lambs; but I think, by giving it to the ewes, it would tend to force the milk. I should like to give the ewes a little every day for a month before lambing. I think that would do a great deal of good. I may also mention that another great drawback to us in the consumption of our home-grown barley is, that as a rule, when we quit our farms, our landlords do not allow us any return for home-grown produce. If it were purchased food, we should claim; but for anything grown upon the farm we have no claim.

221. Let me distinctly understand you, because these are all the customs of the county; what is a custom in one county is not a custom in another?—I speak of my own county.

222. You allude now to dressings, do you not?—No, I am alluding to food.

223. Let me distinctly understand you, you are alluding to grain, in what shape?—I will explain it to you. We will say that in 1866, I grew 44 acres of barley, and that I consumed the whole of it; supposing that I had bought it, and had left my farm the next year, I should have a claim upon my landlord for purchased food consumed upon the farm; but as I grew it on the farm, I should have no claim; I could not sell it except as low barley, and I could not use it so as

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to get a return,' in the event of my leaving my farm, so that really there would be no inducement for me to use my own produce.

224. But you must be perfectly aware that that is quite a local custom, and does not extend all over the county?—Probably that is so, but it affects us in our county very much. Again, with regard to the price of this third class barley; that is influenced by many other things. A large crop of Indian corn will bring down the price of this barley very considerably indeed; perhaps 10 *s.* a quarter. Some three or four years ago Indian corn was cheap, and I believe there was 20 *s.* a quarter difference between stained barley and the best barley. That was caused by the quantity of foreign stuff coming in, and meeting this stuff as grinding food in the market.

225. That was in the year 1866, I think?—I dare say it would be 1865 or 1866.

226. You do not consider that barley is good food for sheep, do you?—Not wholly so; for young sheep it is decidedly objectionable. I think there is not so much danger to older sheep; but, as an article of food, we are not fond of barley for sheep.

227. Are you fond of it for oxen?—I think, with other food, for oxen it is useful; but, if given by itself in large quantities, it is too relaxing in its character.

228. Which should you prefer to give to your sheep and oxen, barley or malt?—I should decidedly prefer malt, in conjunction with other things. Of course we are aware that malt is a carbonaceous food, and requires nitrogenous food with it. In these cases it is, of course, desirable to arrive wisely and clearly at the proper proportions of each, which we should give for the making of fat and lean. Malt makes fat, but not lean; so that we should add some other food to it, which was nitrogenous—such as beans, linseed cake, or anything that contains a good deal of nitrogen.

229. Have you ever used sprouted barley?—I have not.

230. Have you read an account of Mr. Laws' experiments?—I think I read them at the time they were made.

231. Was your impression at the time that they were fair test or not fair test?—I thought them one sided; and for just the same reason that I now state, that the food was in itself of one character, and too much of that one character.

232. Do you use grains in any large quantities?—Yes, I do.

233. What do you use them for?—I use them for all stock when they are cheap. They are very dear now. I made a contract this year with Messrs. Bass for them, in the early part of the season, at 4½ *d.* a bushel. They raised them to 6 *d.* at Christmas, and I gave up the use of them. Now they are 7½ *d.* a bushel, which I consider to be double what they ought to be. I think they are very useful. It is astonishing what effect even the simple use of grains and straw has on fresh young stock or cows out of milk, though when they are dried they appear to be mere chaff, and I think that really there must be a nutritive property in them which does not at first appear.

234. Then, in fact, if you were able to malt your own barley, no part of it would be lost. You would use the grains, the malt dust, the kiln dust, the spent hops, and everything, either for manure or feeding purposes on your own farm?—I believe every portion is sold by the
brewers in Burton; the very barm is used
fatten pigs, and used in conjunction with ot
things; it is very nutritious, indeed.

235. Do you brew for your men?—I do.

236. What are the wages of the men u
your farm?—A regular labourer has 14 *s.* a we
and beer, which makes it equal altogether to 1
our carters, shepherds, and cowmen, who ha
long hours, or who come on Sundays, have 1
a week and beer.

237. Do any of them brew for themselves
Not one of them.

238. You brew for them all?—I do.

239. Do you think that if you did not br
for them, they would brew for themselves?
am rather doubtful that they would; but I d
say that the habit would grow upon them, a
they might do it, supposing it was not done
them; I am not aware of any one in our nei
bourhood giving them malt; I am not aware
any parish where they do brew for themselv
we are very near Burton, and that may be
reason why they do not brew; the beer is p
chased for them at Burton.

240. You are differently circumstanced fr
other places, because you can depend upon
Burton beer being good beer?—It is good be
if you mind from whom you purchase it; l
everything else, you may get it good or bad,
as a rule, I think the respectable brewers
Burton would send out good beer to you if y
would give them a fair price for it.

241. What class of beer is sold in the publ
houses in your neighbourhood?—It is very
beer.

242. Then you would not purchase beer fr
any of the publicans in the neighbourhood,
you would go to a good brewer in Burton?
would not buy it from the publicans.

243. Do your men buy any beer from
publicans?—I do not think our regular men b
it from the publicans, because we give them be
but the young men are addicted to going to
public-houses very much. There is one kind
beer, if it can be called beer, with which we
deluged; but it is not worthy of the name of be
it is technically called "clink," and it is reall
most awful thing with us; every village is delu
with this stuff; and I can assure you that
clergymen say, that almost all their efforts wit
certain class of men, particularly the you
men, are hopeless to restrain them from the
of it.

244. What is it made from, do you suppose
I really cannot say; it is sold very cheap;
any one taking out a 5 *s.* license can sell it,
cause it is sold under 6 *d.* a gallon; but
effect upon the people is very demoralising
deed.

245. It is a great injury to their morals
their health as well, I presume?—Yes; it is.
have letters here which clergymen have writ
to me; and particularly a statement from the
of the late Bishop of Lichfield. They all say
crime and everything bad proceeds from the
of this very thing. These (*producing some pap*
are all letters which I have received from the
in which they have taken great pains to giv
general outline of the effects of the sale of
stuff. Here (*producing a letter*) is a letter writ
by one of them specifying the number of c
shops, under whose control they are, the amo
of the license, the hours that they are open,
the quantity sold. I find this paragraph h

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It is most difficult to ascertain the average quan- ities sold per week. One man, Thomas Wright, esiding in Sandford-street a (a low part of Lich- ield), sells on an average no less than 10 barrels er week, so that the total quantity sold must be normous." Then it gives the retail price of the link, which is 1½*d.* per quart, and wholesale, 4*d.* er gallon. " The effect upon the City is, that a rge quantity is taken both to the common dging-houses and to private houses, where it is eing drunk all day. The result is, that drunken- ess, evils of all descriptions, especially wife-beat- ng, and the impoverishment of the lower orders." I believe that it is really the truth. I should also say that we were at the trouble of getting some samples, which we sent up to Doctor Voelcker to analyse, and his analysis is here.

246. What is the substance of the doctor's analysis?—He found nothing deleterious in it; he tried it upon some people; and it had just the same effect as I have explained to you.

247. Lord *Eustace Cecil.*] Is it a short analysis; if so, it may be put in in the evidence?—This is his analysis (*the same was delivered in and is as follows*):—

Composition of Four Samples of Clink sent by Mr. *Geo. A. May*, Elford Park, Tamworth.

	SAMPLE MARKED.			
	No. 1. Henry Wright, George-lane, Lichfield.	No. 2. Thomas Bird, Store-street, Lichfield.	No. 3. Thomas Wright, Sandford-street, Lichfield.	No. 4. Joseph Walker, Sandford-street, Lichfield.
0 Parts by Weight contain:				
Water	93·970	90·590	93·324	92·412
Alcohol	1·560	3·960	1·780	2·340
† Albuminous compounds	·775	4·713	·575	4·451
Dextrine, extractive matters, and a little sugar	2·945		3·580	
Free acid (calculated as free acetic acid—the acid of vinegar)	·333	·277	·319	·317
Mineral matters (ash)	·417	·460	·422	·480
	100·000	100·000	100·000	100·000
And containing—Nitrogen	·124	not determined	·092	not determined.
Specific gravity at 62° T of clink	1·0128	1·0161	1·0158	1·0151

11, Salisbury-square, Fleet-street, E. C.,
28 May 1867.

Augustus Voelcker.

248. *Chairman.*] Have you ever heard where his beer comes from?—Principally from Burton.

249. From any particular brewery in Burton? —I think all the brewers sell it.

250. Do all the great brewers sell it?—I am ot sure that they do.

251. Is it the damaged beer from those reweries, do you think?—I cannot say; but rom the analysis I should think that it is com- ounded of the washings and pressings of barm, ll the refuse put together and formed into this ompound. I have given you the result of the loctor's analysis; and further than that I am not ble to say. I know that two of those samples ent to him came from Burton.

252. Will you read the substance of the analysis o us?—It contains, of water 93·970 parts, of lcohol 1·560 parts, albuminous compounds, ·775; lextrine extractive matters, and a little sugar, 2·945; free acid (calculated as free acetic acid, he acid of vinegar) ·333; mineral matters ash), ·417. There is very little nutriment in t; but as he says there does not appear to be ıpon the face of it anything deleterious. At the ame time the effect goes to show that there is omething either undiscoverable in it, or that he as missed something.

253. Lord *Eustace Cecil.*] You say that it has very intoxicating effect upon those who drink t?—It has.

254. Mr. *Benyon.*] You have also, you say, a letter from the doctor stating the effect of it?—The purport of the letter is this. I sent him four samples with an order to analyse one and to test the other three. The doctor analysed one, and he did not find what he expected to find in it, and he was so interested that he analysed the whole. He now thinks that something has escaped him, but he cannot tell what it is, though he feels certain that there is something wrong in it.

255. Why does he form that conclusion?—Because its effects are so peculiar.

256. I believe he tested its effects himself?—The effects were the same. We see them every day upon the people who take it.

257. *Chairman.*] In your opinion if the malt tax were repealed, do you think that you would have a better and cheaper beer, which would, in fact be a great boon, not only to yourself, but to the labouring classes about you?—I certainly think that the effect of cheapening would be to bring the brewer's beverage within reach of the people at a lower rate; but my own impression is, that we shall not get the full benefit of any reduction of the malt tax until the means of selling it are also made easier. I think if anybody could brew and sell, then there would be sufficient competition to make beer good. In our little villages, if the people who keep a small shop were allowed to brew and sell ale and beer, then any one could go and buy his pint of beer

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or his peck of malt the same as he would sugar or tea or anything else.

258. You think that the small shopkeepers and others would not adulterate their beer in the same way as the public-house beer is adulterated now?—I think that if there were more competition it would correct that abuse; because if a man could buy beer at such shops he would be sure to go where he could get it best and cheapest.

259. Have you ever turned your attention to a substitute for the malt tax?—I can only think as others think, that if we are not to be free from the tax it would be much better to have a beer tax than the malt tax.

260. You think that the farmers and others in your neighbourhood would have no objection to paying a beer tax, but would pay it in preference to the present malt tax?—There is no doubt that they would.

261. Lord *Eustace Cecil.*] Do you think that the price of the best barley is lessened or raised by the malt tax. I ask you your opinion because there is considerable discrepancy in the evidence upon that point?—I should think that it will always keep its position, because the demand for pale ale is at present so great, and is increasing.

262. You think that the repeal of the malt tax would have no effect upon this class of barley at all?—No, none; even if it brought the other into more general use it would not have much effect; it must always be restricted in quantity, because you cannot get so large a supply of the best.

263. Then if I understand you rightly as to the food for cattle, you consider that mixed malt is better than pure malt?—I should use it in conjunction with other feeding compounds.

264. But you very seldom use pure malt?—I should not use pure malt except for ewes. I might give ewes pure malt for the sake of the milk.

265. Have you used Mr. Gladstone's mixture? —I have.

266. What is your opinion of it?—It is very good, but very dear. I do not think it is worth the money that we have to pay for it. I gave about 12 *l.* a ton for it. The mode of its use was also objectionable. As Mr. Masfen said, the wind blew it away, and when it was made wet, it stuck to the troughs.

267. Did you use it for all kinds of cattle?—I used it principally for sheep.

268. Did you find that they throve upon it?—It was good; but I think we could do better if we had the making of it in our own hand.

269. If it were cheaper, would you use it generally?—I should not mix it in that way. We do use linseed cake, and we should use malt; but we should either steep the linseed or mix it with other things.

270. Are the farmers in your neighbourhood of the same opinion as yourself as regards Mr. Gladstone's mixture?—They are as far as regards the mechanical part of the mixture.

271. Is it not in general use?—No, it is not.

272. You think they approve of it? — It is perfectly good in itself; but I think that it might be used better than by being put together and ground in that way. Malt and linseed are both good.

273. But it is not in general use about you? —It is not.

274. That is not only on account of the objection to the price, but also on account of the objection to the mixture?—It is more on accoun of the mixture than anything else. I do no know whether you would like to see the kind o beer which we generally brew. I have brough a sample with me, if you would like to look at it of what we give as daily beer, and that which we give as ale.

275. Do you find that your labourers consume other beer in larger quantities than the beer which you brew for them?—I do not think our steady married men go to the public-house; the young men do, decidedly.

276. You think that they approve of the beer you buy for them rather than the beer which they buy?—They really ask us for it.

277. They prefer it, from its quality?—Yes, they do. If we are short of it, they at once discover it; they would rather have it than money.

278. Do you pay them at all in beer, or allow them so much for it?—We call it a shilling; we give them two quarts a day. Every man about the place brings in his bottle in the morning, and it is filled, and he takes it away.

279. Is that during harvest time?—That is always, except during the winter months, when they do not have it, although, perhaps, they then require it more than in the summer, because if they could have ale or beer in the winter when they are doing wet and dirty work, I think it would be very beneficial to them.

280. They would infinitely prefer the beer you brew for them than the beer they get at the public-houses?—The beer which they buy at public-houses is wretched for them.

281. Mr. *Benyon.*] Is the beer that is drunk by a man's family bought at a public-house, or does the man take home his two quarts?—I do not think he takes it home.

282. Therefore, any beer consumed by the family must be bought?—Yes; I do not think they take it home; the fact is, they bring their bottles in at night to be filled in the morning, ready for them to go to work; and they are all filled ready for the men at six o'clock to take away with them.

283. Major *Parker.*] You say that as a rule you farm your land on the five-course system?—I do.

284. How is that?—We should break up seeds, and probably take beans; after beans, wheat; after wheat, roots; and after roots we should take wheat again, where we do not take barley; but barley would be the proper course. There is not a doubt that when you grow wheat so frequently, it tends to change the character of the soil so much that it loses its strength, and really breaks down.

285. I understand you to say that the quantity of barley grown in different years varies very much upon your farm; and you also say that you do not like to be tied up in the method of cultivating your farm; am I right in the impression that that statement gave to my mind, that you, as a farmer, feel aggrieved that in these days of free trade you should not be permitted to cultivate your farm as you like, and grow what crops you please?—I think that we ought to be allowed to do so, because the expenses are increasing upon us in every way; labour is much higher; our rates are much higher; and, of course, under free trade, when the harvest is good

d abroad, our wheat will be down again. If
are tied up in this way, it really affects us
y much; particularly on a farm like mine.
e reason that the difference in the acreage of
ley is so great is that probably fields come
use in which I dare not grow barley; then
ake wheat, therefore I should have less barley
l more wheat.

86. In some seasons, when it is particularly
, or, on the other hand, when it is particularly
, or in the case of land where sheep may
e fed it off in turnips, you would pursue a
erent system, you would have a different crop
y likely, if the weather was of a different
d ?—Yes, those considerations affect the treat-
nt of the land very much.

87. And therefore there is a check put upon
r growing such crops as you in your own
d think most beneficial to you, by reason of
malt tax ?—Yes, there is.

88. That is what you refer to when you say
t you are tied up ?—Yes it is.

89. Farmers generally are impressed with that
viction, are they not ?—Yes; particularly on
e farms; I think the whole matter is wrong,
ause it keeps land from being cultivated up to
top pitch. We are afraid of doing anything
our barley, because if it gets down there is
help for it, and when it grows rapidly, it goes
vn so much more quickly from storms and
vy rains. I do not know whether it would be
ught intrusive if I mentioned this fact, but as
have been talking about rotation, I may inform
that in looking over the General National
port for the last two years, the fact strikes me
eing very peculiar; the number of acres of
ley in cultivation in the year 1866 is returned
2,237,329; and in 1867, at 2,259,164. Taking
ery moderate average of the produce from that
eage, there would be 9,000,000 quarters pro-
ed, that would be not quite four quarters to
acre; we know that there are 2,000,000
arters of foreign barley imported, that makes
000,000 quarters, and taking the duty at
00,000 *l.*, that would be the tax upon 6,000,000
arters; if that tax is upon 6,000,000 quarters,
course that is all that is malted; then there
5,000,000 left, for what shall we say? We
ght take one-ninth, which would be 1,000,000
rough figures off the 5,000,000 for seed, which
uld leave 4,000,000 for grinding; well now, we
nnot, any of us, if we consider for a mo-
nt, believe that there can be 4,000,000 quar-
s of barley necessarily so bad that it should be
ound. We must conclude that half that would
obably be malted but for the malt tax. If
really be so, and we are assuming that
on these figures, there is a loss to the producer
at least a million of money, reckoning it at not
s than 10 *s.* a quarter; but the chances are
at it would be more than that a good deal. It
ikes me as being very singular on the face of
There is another thing in connection with this
ort, which is, that the number of acres of green
ps in 1866 was 3,498,163; in 1867, 3,552,530.
w, in all ordinary rotations, barley follows green
ps; but you see there are over 1,000,000 acres
green crops more than of barley. That shows
u that there must be something like 1,000,000
es going either to wheat or some other crop.
is thrown out of its natural course, and I pre-
ne that the natural inference is, that it is from
s cause.

290. Mr. *Surtees.*] By this cause you mean the interference of this malt tax. The malt tax causes the interference with the rotation of crops to that extent?—That is so.

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291. Have you any special knowledge as to the extent to which foreign barley is capable of being malted?—No, I have not, except that I know that large brewers, like Messrs. Bass, are very fond of getting hold of that foreign barley. I know that this year they would like to have had it. I heard one of their men say so.

292. Do you think that if the malt tax were repealed more foreign barley would be malted than is malted now?—I do not think that would be likely. I should have no fear myself that it would affect us at all.

293. Do you think that at this time maltsters are afraid of using foreign barley, for fear it may not turn out well?—I could not speak as Mr. Masfen did, to there being less out cast. He seemed to have received information upon it; but I have not heard it so stated. I have seen foreign barley bought very freely.

294. Saal barley is very good?—I believe it is.

295. Is there any other foreign barley as good as that?—I cannot speak to that.

296. Now, as to the beer which you speak of, what do you consider to be the cost of the beer which you brew, and supply to your men?—We brew 36 gallons to a bushel of malt for beer, and we brew 10 gallons to one bushel for ale; and thinking that perhaps it might be a guide to you, I put some samples in these bottles (*producing the same*). This is the ale. That costs me 1 *s.*; and ale of that kind could not be bought at any of the public-houses. We brew ale twice in the year, at Michaelmas and March: and we keep it for six months; that is, we brew a certain number of barrels, which we know to be enough for us. This ale could not be bought at twice the price it costs me. I have no doubt in my own mind that if I had to buy ale at Burton, that which costs me 1 *s.* I should have to give 1 *s.* 6 *d.* for wholesale; and I am sure we could not get that beer at all at our little public-houses.

297. What is the price of the beer that you speak of under the name of clink?—It is sold at 1½ *d.* a quart, or 4 *d.* the gallon.

298. Now as to grains, will they keep for any considerable time?—If you treat them properly they will do so; it depends upon the way in which they are managed. If they are put into a cistern and trodden down close, they are better at the end of three months than at the beginning, although they may be a little bad at the top. Perhaps we may buy 1,000 or 2,000 bushels cheap in the summer, when we are not wanting them. We put them in a cistern, and tread them down, and cover them with soil. By that means we get them as fresh as possible, and they are more liked by the cattle old than new.

299. Are they very injurious to cattle, or likely to affect them, if you give them a large quantity?—I have heard it said that if you milk cows fed upon them in any quantity they choose to eat, they are injurious to them. I expect that is caused by the grains forcing the milk and the lacteal vessels too much.

300. But if you give them in moderate quantities?—It would have the very opposite effect, I should think. The amount which the brewers receive for these residuals proves at once the value of them. Probably this year one or two of the larger brewers might receive 20,000 *l.* for

Mr. *G. A. May.*

31 March 1868.

grains alone; they must do so at the price at which they are sold, if they only brew 100,000 quarters.

301. The grains would be cheaper if the malt tax was repealed?—It would depend upon how they were consumed; if they were consumed in the locality the demand would regulate the price for them.

302. Mr. *Arthur Peel.*] If the malt tax was repealed, do you think that the products of the manufacture of malt into beer, the grains, spent hops, and all the accessories, would go into the pocket of the farmer, whereas they now go into the pocket of the brewer?—I do not know.

303. You talked of one of the products of the manufacture, spent hops, being useful for agricultural purposes. In what connection do you insist upon the value of those things?—I only mentioned it to show you that malt was really valuable in any form. Not only when dry, but even the refuse of it is so valuable, that in itself it cannot be so bad for feeding as some people would make out. Many people say that malt is of no value for feeding. Now, if the mere residuum of it is valuable, what must it be itself. It really is not always the case that a mere analysis of a thing gives you its real value; because malt in itself, we know, is a solvent, and is important as a help in food.

304. How does the value of those things to the farmer bear upon the repeal of the malt tax?—I only say that we should like to handle all these things ourselves.

305. You think that you would have greater liberty in using them if the malt tax were repealed?—We should then make the malt ourselves. The fact is we want to do as we like.

306. You laid great stress upon the interference caused by the present malt tax with the liberty of the farmer to grow what crop he pleased, and the quantity of barley he likes to grow upon his farm; and you told us the result of a series of years in which you grew a certain quantity of barley, so many acres this year, and so many acres the next?—I did.

307. I do not understand why, in one year, you mounted up from 16 acres to 44 acres, what was the reason of the greater growth of barley?—It was probably because more barley land came into rotation after the green crop.

308. As to the subject of clink, did you ever hear that beer being intended for the Indian market by certain brewers at Burton, and having been spoiled for the Indian market, being sold out at this retail price?—Yes; but that is not the clink, that is superior altogether; it comes back frequently in a sour and bad form, and then it is put in very large vats, and it undergoes some process and is sold as cheap strong ale; that ale is bought at something like 8 *d.* a gallon; it goes technically by the name of returns.

309. Clink is a different thing?—It is.

310. *Chairman.*] I distinctly understood from your statement that the increase in the acreage of barley was simply because the 44 acres happened to be light soil, and therefore more profitable to grow the barley upon?—Probably so.

311. If the 44 acres had happened to have been heavy soil you would then have grown a smaller proportion of barley and a greater proportion of wheat?—That would be an answer to the main question; but so many considerations are involved in these things, which are o
known to those who practise them, that n
this very year I have sown barley where
should have sown wheat; from the fact
the last wheat crop being root-fallen, we thoug
that the land got sick of wheat, and we actua
took the risk of growing a crop that is m
risky still, in one sense.

312. You have stated that you buy 1,
bushels of grains, and tread them down
cover them up; how long will the grains k
when covered up?—We have kept them four
five months. I dare say they would keep lon
if the air was properly excluded from them.

313. What is the present price of grains?
am told that it is 7½ *d.* per bushel to-day.

314. When you buy them cheap, what do y
pay for them?—We do not like to give m
than 4 *d.*

315. Are there many maltsters in your nei
bourhood?—There are.

316. Are they a large or a small class of m
sters?—We have a few companies.

317. Of a large class?—Not so large
Newark; but they are rather large.

318. Do the Burton brewers make a gr
deal of their own malt?—They do.

319. Have you seen or heard anything of
Bill which we call the Malt by Weight Bill
I have heard of it.

320. Is that in use in your neighbourhood
not?—I have not heard of it being used at
and really weight is not a criterion of value o
the market price; because a person growing li
barley, if it is a nice colour, will get a great d
more for it than he would for heavy barley if
all dark.

321. Was there in olden times a malthouse
every village?—I have heard it stated to be
but I do not know it of my own knowledge.
know that there are places which are called m
houses now used as tenements.

322. If the malt tax were repealed, would
have the effect of increasing the number of m
sters?—I suppose it would.

323. That is to say, if you or other people
a large way of farming should be inclined
erect a malthouse for your own use, you would
so, or you could have it erected for you?—I
hardly say. But I should suppose that if m
malt were made, more room would be required
a necessary result.

324. Is there anything you wish to say u
any other point?—I should like you to see w
sort of beer we brew now. This beer (*produc
a sample*) costs us 4 *d.*; and it would be brewed
2 *d.* without the tax; our best ale costs us
I am pretty sure that beer might be retailed if
duty were off, at a very little more money t
that; but it will depend upon the amount
tax that you put upon a barrel of beer, if y
determine to tax the beer.

325. What do you think that could be sold
—It might be sold at about 1 *s.* 2 *d.* a gall
We put ourselves to great inconvenience to br
to let the men have it; because if they do not
it they will go to the public-houses, and it is de
able to keep men away from public-houses,
cause if they get there, we know what follows

326. Mr. *Surtees.*] Do you know anythi
about sugar being used in brewing?—No, I
not.

Thursday, 2nd April 1868.

MEMBERS PRESENT:

Colonel Barttelot.	Lord Eustace Cecil.
Colonel Duncombe.	Mr. Hardcastle.
Major Parker.	Sir Edward Manningham Buller.
Mr. Henry E. Surtees.	Mr. More.
Mr. Read.	Mr. Arthur Peel.
Mr. Dent.	Mr. Goschen.

COLONEL BARTTELOT, IN THE CHAIR.

Mr. EDMOND RILEY, called in; and Examined.

Mr.
E. Riley.

2 April 1868.

27. Mr. *Read.*] YOU live in Yorkshire, I eve?—I do.

28. In what part of Yorkshire?—Kipling es Farm, in the East Riding.

29. What parish is it that you live in?—In parish of South Dalton, near Beverley. erley is the market town.

30. Are you a farmer?—I am.

31. What extent of land do you occupy?— acres.

32. Is it your own property?—No; I rent it ler Lord Hotham, the member for the East ing.

33. Is it arable or pasture land principally? t is all arable, except 45 acres of grass, which our miles from the farm; the farm itself is on high Wolds of Yorkshire.

34. Do you consider it a barley farm?—It is y a second or third class barley farm; half farm would never grow malting barley.

35. What is the reason of that; is it heavy d?—It is deep-soil land, and the grain gets vn very much.

36. And consequently producing a thin and erior grain?—Yes.

37. Will you tell the Committee your course cropping?—My land is equally divided in the rse of cropping. I adopt the six-course sys- n on both halves. I begin with seeds; then s; then turnips; and after that barley; then s and rape, and wheat after that. On the er portion I begin with seeds; then wheat, en turnips, oats, and peas and rape; and after t barley; then come the seeds on the same rse again.

38. Do you consider it to be light land?— s, it is all light land; one half is deep soil land, l required marling. I marled all this land, at a t of 5 *l.* or 6 *l.* an acre, with chalk.

39. As regards the fitness of that land for the tivation of barley, do you find the malt tax at oppressive or injurious to you?—I do not think hould grow very much more barley on my m, though I believe there would be a great l more grown in the neighbourhood, if the tax re repealed. I am on a part of the Wolds ich, 40 years ago, was gorse.

40. In the neighbourhood in which you live, think that the repeal of the malt tax would gment the amount of barley grown; but in your individual instance you would not grow much more?—I should not individually.

341. The soil upon your farm is not adapted for the growth of barley?—It is not. I may mention that I was sent by the East Riding Chamber of Agriculture to represent them, and I have letters from some of the members of that body upon the subject.

342. What is the purport of those letters?—They relate to the injustice of the tax. We had a large meeting, and I was elected as the member to represent the views of the Chamber here.

343. Mr. *More.*] Have you had a general meeting in Yorkshire upon the subject of the malt tax?—We had a meeting nine months ago.

344. Mr. *Read.*] Will you give a general outline of the letters which you have brought with you?—This letter is from Mr. Thomas Harland, a very large first-class farmer, at Holme-on-the-Wolds, in the East Riding:—"My dear Sir, you have expressed a wish to have my opinion on the repeal of the malt duty; I believe the farmers on the western part of the Yorkshire Wolds would benefit by it, as a large proportion of the barley grown in that district is a second-class, which, in some seasons, the maltsters refuse to purchase. It could then either be saccharised or made into malt, and used for feeding in the stead of linseed cake. I think the growth on the Yorkshire Wolds is much decreased during the last 40 years, oats and wheat being grown instead. I further think our labourers would largely share in the benefit, as it would enable them to brew a good wholesome liquor which, when taken at their noon meal, would tend much to invigorate them. You are well aware that, from general high price of beef and mutton, it is excluded from them; pork and bacon being their principal food. I have always held the opinion that a pint of good malt liquor, taken at the noon meal, is quite as satisfying and nourishing, and equal to four ounces to six ounces of animal food, and I advocate the repeal more for their benefit than either the farmer or the landlord. Trusting the efforts made to obtain the repeal may be successful—" and so on.

345. Do you generally concur in the sentiments expressed in that letter?—Yes, in every word of it. This letter is from Mr. Singleton, who is a large

Mr. *E. Riley.*

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large farmer on the Wolds; he says that he never used malt for feeding purposes:—"I brew good sound small beer (twice in the year) for my farm servants and labourers (about 20 in number), who can have it by asking the foreman for it, and I believe I have not one drunkard in the lot, which I attribute in a great measure that they can have a drink of good wholesome beer when required." This is from Mr. Robert Fisher Leconfield, a gentleman who is a large shorthorn and ram breeder, and who farms about 1,300 acres of land:—"Leconfield, Beverley.—My dear Sir, I was glad when the East Riding of Yorkshire Chamber of Agriculture appointed you to be examined before a Committee of the House of Commons on the malt tax question, and if justice had been done to the community at large, it ought to have been repealed as soon as possible after the bread tax, in my opinion it being next in importance, as I feel quite sure that the repeal would be of incalculable benefit to the working classes, as malt would be so cheapened that they would be able to obtain a pure beverage instead of the maddening mixture they have to drink at present, and instead of having more lunatic asylums to build, what we have at present would not be half filled. I myself am renting 1,300 acres of land, and I breed and rear a large number of cattle and sheep, and I know from experience that a little malt, mixed with other food, is the best thing to give to young animals to bring them to early maturity, that I have ever found out, but the experiments tried with it against barley in its raw state are preposterous; indeed I should have thought no practical feeder of cattle would ever have attemped it—" and so on.

346. Mr. *Dent.*] You are just building a new lunatic asylum in the East Riding, are you not?—I am sorry that we are going to have one built.

347. Mr. *More.*] Is it the general opinion in Yorkshire that drink adds to the number of lunatics in the country?—I do not think it has much to do with it. We have very few farm labourers that have become lunatics. Here is another letter. It is from Mr. Park of Catwick. "In my opinion, the malt tax is detrimental to the progress of agriculture, and interferes with the rotation of cropping, by preventing a great breadth of barley being sown, that otherwise would be. Instead of barley being the second most rent-paying crop, it frequently happens, owing to the imposition of the malt tax, to turn out the least lucrative corn crop grown. Was the malt tax repealed, our best light soil barley would be more inquired after and increased in value. In the first place, by an increased consumption of malt, by ale being made exclusively from malt (which is now not the case), and, consequently of better quality; and, secondly, there would not be so great a difference in price between Holderness barley and barley grown in some of the more southern counties as now exists, owing to the undue pressure of the malt tax on our barley, which can only be rated as second class; for instance, the duty paid on barley worth 35 *s.* a quarter is greater than the duty on barley worth 48 *s.* a quarter. Although we have some fine working land upon a clay subsoil, which, in some years, has produced a good malting barley, in others is sold at an inferior price for pig feed (though well got), which has had the effect of almost excluding the crop, but were it not for the
malt tax, in all probability attempts would
made to convert it into malt for food for lan
after being taken from their mothers, and parti
larly in those years when turnips have been sca
in the spring, to have given it to ewes in lamb
time mixed with chaff and corn, or to ca
mixed with ground corn, &c. In such years a
thing that helps digestion becomes invalua
Now we have to rely entirely upon oil cake a
digestible article, which at these times becon
expensive; the demand being often greater t
the supply. We are thus driven to curtail a c
for which we have a good climate, and althou
England imports wheat from a great part of
world, I believe a very small area can send
barley fit for malting purposes. In corroborat
of this, from the year 1849 to 1862, the increa
importation of wheat amounted to 5,623,892 q
and the increased importation of wheat meal
3,857,274 cwt. The importation of barley duri
the same period has only increased 473,944 q
The bulk of the samples of barley imported i
Hull that I have seen are of a very inferior
scription. A tax upon beer, which is by no mea
a desirable system of taxation, would, I think,
a relief to the farmer, and a great improveme
upon the present obnoxious malt tax. In c
clusion, I cannot help looking upon the malt t
as directly contrary to the principle of free tra
and so far unjust to the farmer."

348. *Chairman.*] Do you keep a flock?—I d
I keep a large flock of Leicester sheep.

349. Do you keep ewes?—Yes, a breedi
flock.

350. How many ewes do you keep?—I ke
220.

351. Have you ever tried malt for lambs?
Very extensively.

352. What time of the year do you use it?—
use it all times of the year.

353. Is it very useful after the lambs a
weaned?—It is; I give it to the ewes about
month before lambing, and a month after lam
ing, to the extent of a quarter of a pound a da

354. Do you give it to them before lambing
—I do; it is important to give them a little b
fore lambing as well as after.

355. What effect do you find it has upon t
lambs?—It keeps them alive; I think that is t
principal effect.

356. Is it particularly effective during w
weather?—I do not know whether it is more
in wet weather than other weather; on the Yor
shire Wolds before I used to give malt to t
lambs, we had very great loss amongst them aft
weaning, which amounted to 20 per cent.; w
have no pastures to wean them upon on t
Wolds.

357. You have experienced a loss of from
to 30, and 40 per cent.?—Not myself, but it ve
often was the case with others; I know a go
many farmers who have lost as much as 40 p
cent. after weaning.

358. Before you used malt, how many did y
lose?—I have often lost 20 per cent.

359. Since you used malt, what has been t
loss?—Perhaps not above 5 per cent.

360. You attribute that very much to the u
of malt?—I quite attribute it to the use of mal
it is the same in lambing too; since I have be
using malt in lambing time, this year and t
year before I never lost a ewe; we had one kill
because she could not lamb, but that is quite
different thing.

361. I

61. Do you give it to ordinary fatting sheep? o, I do not.

62. Should you give it if it were less expen- ?—I should not give them much after they e 12 months old; I think it is particularly ul for young stock.

63. Do you show any sheep?—I exhibit at all large shows.

64. Do you give it to show-sheep?—We d not possibly get them to perfection without every sheep that is shown at any show has given to it.

35. Have you used it at all for feeding stock? give it principally to sheep; I give it to h cows and calves; I give it to the cows just re calving, and for a few months after calving so give them a little.

36. Do you give it to milch cows to help to port them, or for the purpose of producing ?—I generally give a little before they e, and a little as well after calving, to keep n in better health.

37. Should you give it for the purpose of in- sing the production of milk?—If I could get , duty free, I should give it for about 26 ks in the year to every milch cow; I should them a pound a day six weeks before calving 20 weeks after calving; it would be very itable to do so.

38. To give it to your calves as well?—Yes, ve it to all the young calves; we make it more sweet wort.

39. Before they are weaned?—Yes, and after; d before they are weaned; and after they weaned we give a little ground among their and ground oats.

0. Then, on the whole, I may gather from evidence that you consider malt a very able food for young stock?—The most valu- food that I am acquainted with as a mixture other food.

1. You do not mix it much with other food oung stock?—No; I only give them a very l portion; not more than half a pound for a a day, and lambs a quarter of a pound.

2. What do you mix it with?—For calves, le ground oats and locust meal; and for sheep le bran is mixed with it. It is mixed with kinds of food; it helps to digest the other food.

3. There was an Act passed a short time ago, Mr. Gladstone, authorising the making of a ain mixture, which is now called "Gladstone's ture;" do you know anything about that?—I used a good deal of it.

74. What is your experience of that mixture? do not like it at all. It is ground too fine, there is a great deal of waste in it. In very dy weather you lose half of it by its being n away. We generally used to damp a little or bran and put it with it. I used it as long as ould get it. There were two manufacturers t in my neighbourhood, but they were so yed with the restrictions that they gave it One gentleman said that he would not con- e to manufacture it, even if he could get l. or 300*l.* out of it.

5. On the whole, you think the Act has d?—It has, I think, quite failed.

76. Did you ever use any sprouted barley?— ver used it.

7. Have you seen the experiments of Mr. es?—I have read of them. I am surprised a man like Mr. Lawes should ever have made experiments.

57.

Mr.
E. Riley.
——
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378. Where do you think those experiments failed?—In the first place, he gave them nothing but malt and mangold wurzel; and I believe mangold wurzel contains about 10 per cent. of sugar. It is a very bad thing to try the experiment with mangold wurzel; he ought to have tried it with Swede turnips, because mangold wurzel contains much saccharine matter. Besides that, he gave them too large a quantity of malt. I may remark, that one-third of malt made in England might profitably be given to stock, according to the agricultural returns.

379. Do you brew for your labourers?—I do not.

380. Do you think that they would brew for themselves if the malt tax were taken off?—I think they would.

381. What are the wages that you give them now?—We are paying high wages now; 15 *s.* and 16 *s.* per week; and when we want them to work on thrashing days we give them 3 *s.* 6 *d.* a-day.

382. Your own impression is that if the malt tax were taken off, and they could get malt cheaper, they would brew at home?—Yes; many of them would.

383. Have those men conveniences for brewing?—They would not want many conveniences.

384. Have they got coppers?—I do not think that they would want coppers; the wife might brew a few gallons every week.

385. Supposing the tax were taken off the malt and were put upon beer, do you think that the farmers in your neighbourhood would consider it a boon?—We want it off altogether.

386. Supposing the tax could not be taken off unless it were placed upon something else, do you think that putting it upon beer would be a substitute acceptable to farmers in your neighbourhood?—I do not think we should object to its being put upon beer; but I believe there would be more agitation to get it off the beer than off the malt.

387. Mr. *Dent.*] How would you replace the 5,000,000 *l.* or 6,000,000 *l.*, which would be taken off the revenue by the repeal of the malt tax?—I do not think that we farmers have anything to do with the replacing of it.

388. *Chairman.*] If the tax were proposed to be put upon beer, would it be acceptable to the farmers?—I do not think it would be acceptable; although it would not be objected to as much as the malt tax; because we should have the liberty of using malt for our stock, which would be a great advantage to us; still the labourers would get no advantage from it.

389. Supposing it were placed upon beer, of course you must be aware that private brewing could not be exempt from it?—I would make a private brewer pay the same as others.

390. I do not wish to mislead you in any way; we must take the whole subject into consideration; and we want to get the opinions of gentlemen like yourself as to whether the substitution of a beer tax for a malt tax would be acceptable to the great body of the farmers about you?—It would be more acceptable than the malt tax, because we should get the malt free of duty.

391. Sir *Edward M. Buller.*] Would the tenant farmers in your neighbourhood object to the tax being levied upon them, for their beer?—I do not think they should object; I do not see how they could object if there were a tax upon beer.

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F. Riley.

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392. Have you at your Chamber of Agriculture considered how far the levying of a beer tax would be agreeable to the farmers?—That particular point was not much discussed; but we were generally of opinion that we would rather have a beer tax than a malt tax.

393. Even with the necessity of the supervision of an excise officer at each farmhouse?—There is very little private brewing in Yorkshire; I do not know above half a dozen farms in the East Riding where they brew their own beer.

394. In your opinion, would the repeal of the malt tax lead to a great increase in home brewing?—I do not think it would; I think the labourers would brew at home; their wives would brew small quantities at home.

395. How would you propose to levy the tax upon them?—It would be very difficult to do so.

396. How would you propose to deal with that question?—It would be very difficult to deal with it.

397. In point of fact, your labourers do not brew at home now?—They do not brew at home; they get very little beer in the East Riding, never more than two pints a day.

398. You pay the whole of the labourers wages in money?—I do; I find it much better to pay them in money.

399. You say that you give a quarter of a pound of malt a day to the ewes before lambing?—I do, for four weeks before and four weeks after lambing.

400. You calculate that a quarter of a pound a day is enough for the ewes only?—I do; the lambs will not eat malt, but they get the benefit of it through the mother's milk.

401. When you wean them, do you cease to give the malt to the ewes and give it to the lambs?—I do.

402. Can you tell us what quantity of malt you give to each lamb before it is fit for the market?—I should give about three stones for each lamb; that is a quarter of a pound a day for 26 weeks; that is about a bushel.

403. At the present time how much is the malt per bushel?—I think it is more than 8 *s.* per bushel.

404. Have you calculated what would be the difference in cost supposing the malt tax to be repealed?—The difference in cost will be at the least 25 *s.* a quarter; the duty is 21*s.* 8*d.*

405. That would be how much per bushel?—Three shillings and three halfpence per bushel.

406. Now, as to milch cows, you give them seven lbs. of malt for 26 weeks?—No, I do not now give that much; I say if the malt tax were repealed I should give it; I give them now a little just before calving.

407. You do not give it to the milch cows?—I give them a little before calving and a little after calving.

408. How many lambs do you say you have?—I rear about 350 every year.

409. And you consume about 350 bushels of malt?—I should do so, if the tax were off; it is to our benefit to give the malt to keep the lambs alive.

410. What do you sell your lambs on the average for?—I breed rams, and I sell them at a long price.

411. The 350 are not all rams?—Of course not; but I sell about 60 every year, at an average of 10 *l.* each.

412. What do you do with the rest of y
male lambs?—There are some we call culls.

413. They have had their bushel of malt?
do not give them malt for 26 weeks now, I
give them malt for about eight weeks just be
weaning.

414. Will you tell us the average price
receive for the male lambs; you do not sell t
as rams?—I sell them to the butchers genera
it depends upon the price of mutton; I get f
three to four guineas.

415. You sell your culled lambs for what
I never sell them under 12 months old.

416. You sell them as wethers?—I do.

417. Lord *Eustace Cecil.*] Do you use pur
mixed malt?—I get it direct from the maltst

418. Do you feed your animals with pure m
or do you mix it with other things?—I alw
mix it.

419. Is that generally the case in your ne
bourhood?—There is not very much used in
neighbourhood.

420. Have you ever heard of anybody u
pure malt alone for that purpose?—Never of
one, except Mr. Lawes; I think he is the only

421. You do not believe in the efficacy of p
malt alone for feeding?—No; it is too satia
to feed them on malt.

422. What difference would you draw betw
the effect of the pure and the mixed malt u
the animal?—I think the pure malt alone is
fit to be given to stock.

423. Do you think that pure malt would fat
them?—I do not think that it would keep th
in health; it is like giving a man nothing
sugar to eat.

424. Do you think that mixed malt prod
flesh and pure malt produces fat?—I do
think that pure malt is proper food for stock.

425. The reason I ask the question is, tha
is evident, if pure malt is a really good article
food, a great deal more would be required in t
condition than mixed malt, and, therefore,
tax would fall heavily upon you because
would be obliged to use a greater quantity
malt?—I would never give more than a quar
or half a pound a-day to an ewe.

426. Is cottage brewing at all common in y
neighbourhood?—Not at all.

427. You say that you do not supply mu
beer to your labourers?—I do not.

428. Do they consume beer generally ab
you?—The labourers do not consume much be
we give them some on thrashing days, when
are thrashing with the steam engine.

429. Do they consume much beer at home?
Very little.

430. It is not the ordinary beverage with yo
—No, it is not.

431. Do you know the ordinary quality
beer that is supplied at public-houses round ab
your neighbourhood?—The public-house bee
not very good. The beer from the brewers
better. Too many publicans adulterate it af
they get it into their hands from the brewers.

432. Do you know what they adulterate
with?—No; if a labouring man goes into
public-house and gets two or three pints, he
much worse for it than he ought to be.

433. You do not see much of the ill-effects
drinking in your neighbourhood?—No; the
bourers in the East Riding are very sober.

434. Colonel *Duncombe.*] Do you fatten catt
No, I do not fatten cattle, I fatten sheep.

435. Y

435. You fatten no cattle at all?—I fatten a
in the winter.

436. Do you give them malt?—I do not; I
y give the young stock, or amimals in milk,
lt.

437. Do you fatten sheep for the butchers, or
y for showing and raising?—I sell about 60
ıs every year, or let out to put to ewes, and
others I fatten for the butchers.

438. Do you find the malt very advantageous
fattening purposes for the butchers?—It is
y advantageous until they are 12 months old.
ıink it is good principally for young stock.

39. That is hardly fattening them for the
chers, if you only give it them while they are
ng?—On Yorkshire wolds half the sheep
k is sent to the butchers at about 14 months
; they get fat at 14 months.

40. Do you know whether any of your neighırs in the East Riding fatten cattle with malt?
Vo; they are so much against paying the
y, that they would rather lose a little profit
n use malt.

41. Did you say that you do not grow the
t class of barley?—I do not; one part of my
n, in a good season, will grow malting barley.

42. Are not the Wolds in the East Riding of
rkshire pre-eminent for the first quality of
ley?—It is not to be compared with that
wn in the eastern counties.

43. Speaking only of the second-class barley,
you tell the Committee in what way you
sider the repeal of the malt tax would benefit
rself and other growers?—There would be a
ater demand for it, if the malt tax were off;
ble the present quantity of the second-class
ey would, in that event, be used for malt.

44. You would get a better price for the
nd-class barley?—Yes; the maltsters now, if
can get the first-class barley, will not buy
other.

45. Have you ever had any experience in
ign malt?—I have not had any experience.
ve close to Hull, where a great deal of fon barley comes; and if the maltsters can
English barley, they will not buy the foreign
ey.

46. Would not the foreign malt compete with
malt made from first class barley?—I think
There is one kind called the Saale barley,
is used; but many of the other kinds of
ign barley are not liked; there is greater
te in making malt from them.

47. Has your Chamber of Agriculture ever
ussed what substitute there should be for the
t tax in the event of its repeal?—That
ject has not been discussed.

48. Is it not your opinion that there should be
ıbstitute in some way?—We think that we
e nothing to do with the substitute. When
duty was taken off corn, and free trade opened,
thought that we ought to have the tax off malt,
we do not seek any advantage over others.

49. Is it your opinion that a tax upon beer
ıld be a better tax than the tax upon malt?—
ink it would. I would rather have a tax upon
r than upon malt. We should, in that event,
the malt to feed our stock with.

50. Would that admit of private brewing by
ch you would get unadulterated beer, better
n can now be had from public-houses?—I
k so.

51. And the labourers would be benefited by
—I believe they would.

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452. Major *Parker.*] Do your labourers live on your farm?—We have yearly servants. We hire so many, who come and live on the farm. The married labourers live in the villages, and they walk some distance, perhaps a couple of miles to their cottages.

453. Do the labourers generally bake their own bread at home?—They do. There is not such a thing as a public bakery in any village in the neighbourhood.

454. I suppose if the malt tax were taken off the labourers would brew their own beer at home?—I believe many of them would.

455. And would that be an advantage to them in making beer?—Yes; I think if a man could have a pint of ale to his dinner every day it would be of very great assistance to him; that is, if it were pure beer.

456. What value do you attach to the yeast that would arise from brewing at home?—I should fancy that the yeast and the grains would about pay for the expense of brewing; it would not be much expense to a labourer's wife to brew a few gallons every week.

457. The yeast would be useful?—I think that the yeast and the grains would quite pay for the expense of brewing.

458. Inasmuch as he is baking at home he would require the yeast?—Yes; and the same fire that was required for the baking would be ready for the brewing. There would be no extra expense with the fire.

459. Do they now find any difficulty in providing themselves with yeast to enable them to make their bread?—They do not. There are generally large breweries in the market towns, and we have carriers who go from the villages to the market town, and bring a supply twice a week or so.

460. Mr. *Dent.*] Do they buy German yeast?—It is not so much used about us; the brewers supply a sufficient quantity.

461. Major *Parker.*] It would be necessary, of course, to send some member of the family to the village to procure it?—The labourers principally live in the village; the young unmarried labourers live at the farmhouse, and the farmer supplies them with everything. They are supplied with what we call beer, which costs 2 *d.* or 3 *d.* a gallon; it is like drinking water; they have it to run to as they like.

462. Do you grow beans on your farm?—Very rarely; I have a few acres that would grow beans, and sometimes in a course of rape and peas, I sow a few beans.

463. Is bean meal used for feeding purposes in your neighbourhood?—Yes, it is used.

464. You would not give your cattle bean meal alone any more than malt?—Certainly not.

465. It would be injurious?—Yes, it would do quite as much injury to the sheep as pure malt.

466. I understood you to say some time ago, but you did not finish your sentence, that you did not seek any advantages over other classes of the community?—That was in regard to private brewing.

467. I think you said something about free trade as well?—When free trade was instituted we contended that the malt tax ought to be repealed.

468. And in seeking through the instrumentality of your Chamber, to effect a reduction of

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the malt tax, you made a remark that you did not wish to obtain any advantage over the other people?—We do not.

469. But merely to put you on a par with them?—Just so; we do not wish to have any advantage.

470. Neither do you think that you would be getting any advantage?—No; I think we ought to be able to use our own produce in the most advantageous way possible.

471. Mr. *Surtees.*] I did not quite understand what quantity of malt you stated you give your milch cows per day?—I do not give very much malt to the milch cows, except for a few weeks before and a few weeks after calving. I said if the malt tax were repealed, I should give a pound a day for 26 weeks. The animals receive much benefit in having it for six or eight months; it is too dear now to give it.

472. Do you give the calves any malt?—I always give calves a little malt.

473. How much do you give them per day?—We mix bean and wheat flour, malt, and a little locust meal, about two pounds, altogether, and make a liquid of it.

474. Mr. *Read.*] Which they drink?—Yes. We mix a sack of malt, a sack of wheat, a sack of beans, and a sack of locust meal together; we put a quart of it into three gallons of liquid, and we give it to them instead of milk. We also mix linseed cake with it; we are very short of milk on the wolds. I rear 20 calves every year, and we should not have sufficient milk for them.

475. Do you exhibit any stock at the agricultural meetings?—Yes; I exibit sheep at all the shows.

476. Do you give malt to the animals you exhibit?—I do; we could not get them to perfection without. Every animal exhibited at all the shows have malt given to them.

477. Mixed with other food?—Yes.

478. To what extent?—I never give more than a quarter of a pound to a sheep.

479. With regard to the rams which you are preparing for sale, do you give them malt?—What we do not show we do not give malt to, except for a few months when they are first weaned.

480. What you show you give malt to?—Yes; we could not possibly keep them right without giving them malt.

481. What increase do you anticipate would take place in the price of the second-class barley if the malt tax were repealed?—One shilling a bushel.

482. Over the present price?—Yes. I think it would be used instead of the finest quality barley, and make quite as good beer.

483. Is it good for feeding purposes?—It is.

484. Mr. *Arthur Peel.*] I gather from your evidence that you are of opinion, that if the malt tax were repealed, and a beer duty substituted, the farmers would begin an immediate agitation to repeal the beer duty?—I did not say that.

485. It would be shifting the burthen from one article to another?—As far as our stock is concerned, we should not have the claim for a repeal then which we have now; we could have the malt, and could use it for our cattle.

486. Your great argument for the repeal of the malt tax is the facilities which it would give you for feeding?—Yes, it would be a great advantage to me individually to have the malt tax off, so as to enable me to feed my stock with malt; I would rather pay a larger income
even, to get it off the malt. I think so m
about the feeding quality of malt for stock, th
would pay the duty in any other shape. I co
use 350 bushels of malt every year with v
great benefit to my stock.

487. When you said that in the event of
malt tax being repealed, double the quantity
malt would be made in this country, had y
then in your mind the probable influx of fore
barley?—I did not think anything about
influx of foreign barley; the foreign farmers s
all the barley they can now, and we should
no more if the malt tax were off.

488. Does not the best foreign barley succe
fully compete with the best English barley
No; there is a small quantity of the Saale bar
that comes into Hull, with which the maltst
can do pretty well; but many of the brew
will not have it if they can get the seco
class English barley.

489. You do not think that the second-cl
foreign barley would compete with the secon
class English barley?—No, I do not.

490. Mr. *More.*] Do you attend many mark
in your part of the country?—No, only tw
Beverley principally.

491. Have you a large acquaintance among
the Yorkshire farmers?—Yes; I know all
principal farmers in the East Riding.

492. Do you think that there is a general fee
ing in favour of the repeal of the malt tax among
them?—I do.

493. Do you know anything of the oth
Ridings of Yorkshire?—I know many farmers
the North Riding; in selling rams I get a
quainted with many of the principal farmers
Yorkshire.

494. Are you able to express an opinion as
whether the feeling in favour of the repeal of t
malt tax is general throughout the agricultur
districts of Yorkshire?—I should say it is mo
general in the North Riding than the Ea
Riding.

495. Would the repeal of the malt tax increa
the amount of barley grown in the East Riding
—Yes, I have no doubt of it.

496. In your opinion, is the feeling in favo
of the repeal of the malt tax stronger now tha
it was at the time of the repeal of the corn law
—It is so long since the corn laws were repeale
that I do not remember much about it.

497. Do you forget that they agitated for t
repeal of the malt tax in Yorkshire then?—
have no recollection of the agitation at that time
it was very much on the increase last year, com
pared with what it was a few years ago.

498. You have never raised the question
substituting a beer tax for the malt tax, at an
meeting in Yorkshire?—There has been a litt
conversation about it, but it has never been pra
tically discussed.

499. Have you paid attention to the questi
of the competition of foreign barley with o
English barley in the event of the repeal of t
malt tax?—I have not paid much attention to i
I know that many maltsters in the neighbou
hood of Hull, if they can get the second-cla
English barley, would rather have it than t
foreign barley, with the exception of the Saa
barley.

500. Have you examined the question of th
supply and demand of barley in foreign cou
tries. Do you think that they would be able

spa

ıre us much more barley than they do at the esent time?—We had too little of it last year; could have done with a great deal more than had; very little foreign barley came into ull last season.

501–2. Have you paid sufficient attention to the bject to enable you to express an opinion upon —No, I have not, but I have no fear at all of foreign barley interfering much with the ıglish barley.

503. With respect to a question which Sir Edrd Buller asked you, regarding the difficulty making the labourers pay a beer tax, are you are that in Prussia, where there is a beer tax, labourers are not taxed at all?—I should glad to see that law carried out in this ıntry.

504. Mr. *Hardcastle.*] In that case perhaps u would pay the labourers less wages?—No, I not think so; I should be glad to see every ouring man have a pint of beer a day; where ıan brings his cold dinner with him, and goes early into the fields, it would be a great adıtage to him if he could have a pint of beer :h it.

505. Mr. *More.*] I wish to call your attention this Report which has been just published by Commissioners of Her Majesty's Inland Reıue; they state that the value of malt as food cattle has been greatly overrated; do you ee with that?—I entirely disagree with t.

506. Do you think this statement a correct : "And although malt might be used with antage as a condiment in cattle feeding, it can er be profitable as a staple article of food"?—ıink it should be used more as a condiment.

507. Do you think it fair to state that because t Bill of Mr. W. Gladstone's, which enacted t a certain mixture should be used, has failed, refore the value of malt as food for cattle has n overrated?—It is a very unfair conclusion.

508. Do you think that this statement is in acdance with the opinion of the farmers of rkshire: "The farmers appear to be finding by experience what has been long ago indied as truth, that malt contains no feeding perties not possessed by barley"?—It is not accordance with my experience in using malt.

509. I speak of the East Riding. Do you ısider that the farmers on the East Riding uld assent to that statement as a correct repreıtation of their opinions?—I do not believe y would.

510. Mr. *Hardcastle.*] I think I understood u to say that you used this malt more as a ıdiment than as nourishing food?—I do not ow what you call a condiment. I would give uarter of a pound to rams and ewes. I would t give it them in large quantities, but I would e them a little; it seems to have a good action on the stomach. I do not understand the acn, but I know the difference between giving lt and not giving malt, as I have had great perience in the benefit arising from it.

511. How many lambs do you say you rear?—out 350.

512. How much do you give to each of them? A quarter of a pound a day for about a month fore weaning them, and a month after. If the lt tax were off, I should extend it considerably. present I give the ewes quarter of a pound a y for a month before lambing, and a month er lambing.

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513. You give the ewes about 30 pounds?—I give the ewes quarter of a pound a day.

514. And the lambs about what quantity?—I give the lambs about quarter of a pound.

515. For each ewe and lamb you would give something like a bushel of malt?—Yes, I should like to give three stones of malt to each lamb.

516. That would be a bushel?—It would.

517. Do you give them about half a bushel a-piece?—No, I do not give them half a bushel; I give it to them for about a month before weaning, and for about a month after weaning; the difficulty on the Wolds is to get food for them.

518. I think you said you had about 300 lambs?—From 300 to 350; this year we had a large number of lambs.

519. You would give them a bushel a-piece?—Yes, if the tax was off.

520. Therefore you would save by each lamb the duty on that bushel of malt?—We should save more.

521. How would you save more?—It would have such a good effect upon the constitution of the lambs, that we should keep many more lambs alive by giving them malt.

522. You say that if the malt tax were repealed, you would give them a bushel of malt a-piece?—I should.

523. Therefore the repeal of the malt tax would save you about 3 *s.* a lamb?—It would.

524. Then, in fact, that would be an additional profit on your farm of 50 *l.* a year?—No, I do not think it would.

525. Mr. *Read.*] You would get that profit?—I do not think that follows at all.

526. Mr. *Hardcastle.*] If you did not have to pay the tax, should you give them more malt?—I should; I give them a stone of malt now although I have to pay the duty.

527. According to your calculation, would not your farm produce you 50 *l.* a year more profit?—I should save a little by it.

528. With reference to the amount of malt that you say you would give your lambs, if the malt tax were repealed, what benefit would you derive?—If you give them 350 bushels of malt, you would save 350 bushels of some other kind of corn.

529. You give them some now?—I give them a little now but nothing near the quantity I should give. I pay 5 *l.* or 6 *l.* a year for malt tax now, as I buy five or six quarters of malt every year. If I gave them 350 bushels of malt I should save 350 bushels of barley. It is the difference between the price of 350 bushels of barley and 350 bushels of malt.

530. That is what I say?—But it is not 50 *l.* a year.

531. It is the difference of the malt tax?—You must take the price of 350 bushels of barley off your calculation. If I give them 350 bushels of malt, I must save 350 bushels of barley, or oats; I would not give them barley, I should give them oats.

532. I am assuming that you would give them malt; you say that if the malt tax were repealed you would give each of your lambs a bushel of malt?—Yes, during the year.

533. And that that bushel of malt would cost you 3 *s.* less than it does at present?—Yes, but I do not give it to them now. Instead of giving them malt I now give them oats.

534. You say, that under certain circumstances, you would feed them in a certain way, and if

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those circumstances were altered you would be able to feed them in that certain way at a considerable reduction; that is, if the malt tax were repealed, instead of this malt costing you 8 *s.* a bushel it would cost you 5 *s.* a bushel?—Just so.

535. Then what I want to know, is this; would you not under those circumstances make in round numbers 50 *l.* a year more profit on your farm?—No; you are forgetting the 350 bushels of oats that I should have to give them, instead of the 350 bushels of malt. You could not give them 350 bushels of malt and 350 bushels of oats too. You take the difference in price between the 350 bushels of oats and the 350 bushels of malt.

536. Mr. *Dent.*] What are the oats worth per bushel now, 3 *s.*?—They are worth more than 3 *s.*

537. Mr. *Hardcastle.*] Take your own price?—Say 3 *s.* 6 *d.* a bushel, and barley at 5 *s.* 6 *d.* a bushel. A bushel of barley will make a bushel of malt.

538. What is a bushel of malt worth?—I say a bushel of barley is worth 5 *s.* 6 *d.*; that is the price of a bushel of malt. A bushel of oats is worth 3 *s.* 6 *d.*

539. That is a difference of 2 *s.* a bushel?—That is 2 *s.* a bushel difference between the two prices.

540. Then what do you say you would give them if the malt tax were repealed?—I would give them a bushel of malt instead of a bushel of oats.

541. Although it cost you 2 *s.* more?—Yes; I would give them malt in preference to giving them oats.

542. As I understand you, you would, under certain circumstances, give them malt instead of oats?—Yes; I should gain more by keeping the other lambs alive than I should lose in the extra price of the malt.

543. If the duty on malt were repealed, it would cost you 3 *s.* a bushel less than it does now?—Certainly.

544. If the malt duty were repealed, you would give less by 3 *s.* a bushel for it than you do now?—Yes, 3 *s.* a bushel.

545. You would save the duty on the malt, would not you?—Yes.

546. At all events, you think you would gain some advantage?—We should gain some advantage; but if malt were used to a large extent throughout England, the death of lambs would be so much less, that we should increase the stock of sheep very considerably, which would bring the price of mutton down, and would be a great advantage to the labouring classes. It would be more advantageous to me to keep my stock alive and sell them at a less price per lb. than sell them at a larger price, and have 20 or 30 per cent. of them die.

547. Mr. *Dent.*] You say that your loss of lambs has been reduced from about 20 per cent. to 5 per cent. by using malt?—It has.

548. How long have you used malt in that way?—I have used malt for the last five years, but not in any quantities until the last two or three years.

549. Do you know any other farmers on the Wolds who are doing the same thing?—Very few.

550. Is it not very extraordinary, from what you say, that they do not do it, even at the high price which malt fetches now?—Many farmers would rather lose stock than pay the malt duty.

551. You do not mean to say that these int
ligent Yorkshire farmers would rather lose so
five per cent. of their flock of lambs at weani
time than pay the duty, do you?—I can
account for it in any other way.

552. A question was put to you by one of
honourable Members whether there is not a g
deal of feeling amongst the farmers in the E
Riding about the malt tax. That has lat
arisen, has it not, since the establishment of
Chamber of Agriculture?—I think it began
fore that.

553. How long before the East Riding Cha
ber of Agriculture came into existence?—Twe
or 15 months before.

554. Did you hear of it before?—I did;
was talked of before amongst the leadi
farmers.

555. On the eastern side of the Wolds, and
that part of the East Riding, whether the m
tax was removed or not, there would not be mu
more barley grown?—No; I think very lit
more would be grown.

556. There is a great prejudice up that si
against growing barley?—They cannot gr
both barley and wheat there with advantage.

557. How many men have the large farm
on the Wolds in their houses?—About 500 a
farmers will have a dozen men in the house.

558. For whom they provide everything?
They do.

559. Yet scarcely any farmer, I understo
you to say, brews for himself?—Very few
them do so now.

560. That is not on account of the malt bei
any dearer, or on account of the malt tax?—
cannot say the reason; I think it is in cons
quence of the large breweries being so near;
is very difficult to get a man to come and bre
for you now.

561. In consequence of the establishment
breweries, and the supply of good beer from t
breweries at a reasonable price, private brewi
in farm houses has nearly ceased?—It has.

562. It has almost become extinct?—Yes
used to brew 10 or 12 years ago, but I gave it
563. What price do you give at the brewe
for the beer that you give to the men in yo
house?—I always buy beer twice a year. I g
it in in October and March, and give 1 *s.* 3 *d.*
gallon for it. It is so much better at those tim
of the year. If I get a few barrels at a time
pay 1 *s.* but in March and October the brew
is obliged to brew his beer better than usua
or else it would not keep six months, and
thrown on his hands.

564. Do you give as much as 1 *s.* 3 *d.* a gall
for your beer for the use of the men in yo
house?—That is what we call ale; we call be
small beer, and they go and drink it as they lik
it costs 2 *d.* or 3 *d.* a gallon.

565. What would be the average price of t
beer you get for general consumption, putti
aside what you use at your own table?—I shou
think that we should consume 1,000 to 1,5
gallons of small beer in a year.

566. And how many gallons of better beer?
Five hundred gallons of better beer. In harve
time we give the men beer twice a day.

567. You give them beer in the middle of t
morning and the middle of the afternoon?—W
do; that is to say what in the North we call a
568. Do you give it to all the men?—We d
and on threshing days the same. My laboure
f

weeks together never get a pint of what we
ale.
69. On the Wolds the villages are very fre-
ntly far from the farms, and the labourers
e to walk long distances to their work. The
tage accommodation is not generally good on
Wolds, is it?—No, it is not.
70. There would not be much accommodation
cottage brewing there?—I presume many of
cottagers would brew.
71. You said you thought it was quite time
we had free trade; the Wold farms have not
inished in value since the repeal of the corn
s, have they?—No, we farm them too high.
72. They have been quite the reverse, have
not?—The tenants have done it all by
farming.
73. There has been a great demand for Wold
ns, has there not?—Yes, there has been a great
nand.
74. It is generally said that the Wold farmers
Yorkshire have made more money than any
ners?—I do not think they have made much
ney in Yorkshire.
75. Mr. *Read.*] How do you use the malt
ch you give to lambs, whole or cracked?—I
k it in the least possible manner.
76. You think an infusion of malt is a good
stitute for milk for calves?—Decidedly; that
a little bean meal and wheat flour, and a
e linseed cake, mixed altogether, we consider
rly as good as milk, and the calves do extremely
l upon it.
77. Did you ever find out in using what is
ularly called Gladstone's mixture, that the
y fine meal gummed round the mouths of the
bs in hot weather, and they would not eat
—We generally used to damp the chaff or
n which we mixed with it, therefore, it did
have the effect you speak of. We used to
half of it on a windy morning, if we did not
that.
78. Malt, I suppose, is a very good seasoner
other impalatable foods?—Yes, by infusing a
e malt into it, you can use inferior food with

79. Malt not only is more palatable but more
estible?—It is a great deal more digestible.
hink I know the principle of it, but I do not
lerstand the action of it. I know from prac-
that it is so.
580. That is the reason you use malt, although
have to pay this heavy duty upon it?—Yes.
use five or six quarters every year, paying the
ty on it; but I should use thirty quarters if I
ld have it duty free.
581. Your practical experience is totally against
report of the Inland Revenue Officers, which
s read by Mr. More?—It is.
582. I did not understand what you said about
e-third of the quantity of malt which is now
de being used for feeding cattle; do you mean
say that the brewers put too much malt into
er?—No; I have got the agricultural returns,
which I see that there is about a million and
half cows, and I say from calculation that
y would consume 19,500,000 stones of malt
fitably. There are 500,000 calves. I cal-
ate that they would consume 6,500,000 stones.
en, as to sheep of one year old and above, there
twelve millions and a half; half of those would
ewes, because sheep above one year old are
nsidered in England as ewes. To give them
lt four weeks before and four weeks after
weaning; that would be 6,000,000 stones. For 7,000,000 lambs I calculate 7,000,000 or 8,000,000 bushels of malt, equal together to 53,000,000 stones, or 17,000,000 bushels.

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583. I understood you to say that one-third of the quantity of malt that was now made might be used as food for stock; did not you mean that one-third of the barley that was now grown might be malted as food for stock?—I meant one-third of the present quantity of 45,000,000 bushels of malt now made might be used for feeding stock, and consequently there would be much more barley malted, if we had the duty off, than there is at the present time.

584. You mean that this would be in excess of the present consumption of malt?—Yes; I think the consumption of malt would be doubled if the malt tax were taken off, because every farmer would use malt then.

585. With regard to the beer tax, you would have no objection if cottages were exempted?—I should be very glad indeed.

586. Anyone occupying a cottage under 5 *l.* assessment?—Yes.

587. If the farmers were to make a return of the quantity of malt they used in brewing, in the same way as the public brewers now do of sugar, do you think there would be any particular objection to it?—I cannot see any objection; I think a farmer would give a correct return of what malt he did use.

588. If malt were very cheap, you would naturally expect the publicans to sell better beer, would you not?—I think instead of using so much sugar and other things they would brew the beer from pure malt.

589. There would not be the inducement for adulteration that there is at present?—No, there would not.

590. Do the wages depend upon the price of produce, or the demand and supply of labour?—Upon the demand and supply of labour.

591. You say when wheat a few years ago was very low, you still paid a fair price for labour?—Yes, there was very little difference between the wages now and then.

592. If you had beer cheaper would you reduce the price of labour?—No, not a sixpence.

593. It is quite a case of supply and demand with you?—It is.

594. If your landlords were to find out that you had saved some expenses by the application of good machinery, or by the application of some very cheap artificial manure, do you suppose they would raise your rents?—I do not believe they would; I know my landlord would not. I think hardly any landlord would do so.

595. If you make a certain amount of profit by the repeal of the malt tax, you would not think that it belonged to the landlord?—I should not think that anybody would; you could not look upon it in that light. I should think we should so reduce the price of meat by the use of malt, that the benefit would be quite the other way.

596. Do you consider that the high price of mutton is very much augmented in consequence of the disease that prevails?—Very much so, and also very much in consequence of foreign diseases and all kinds of diseases prevailing as well.

597. If you had healthy stock and lower prices you would have a considerable advantage in profit?—We should have as much profit by using malt

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malt in the extra number of lambs that we should save by getting rid of the disease. We should make quite as much money, or a little more, by using malt than without.

598. You could afford to sell your produce cheaper, and it would be a great benefit to the consumer?—Yes.

599. Besides that there would be the absence of disease?—There would.

600. Had you some of the leading farmers of your district associated with the central Anti-Malt Tax Chamber, some years ago?—It was more in the North Riding, I think; Mr. Cayley was one. I do not know much about the Anti-Malt Tax Society.

601. Does not Mr. Booth come from Yorkshire?—He is more in the North Riding. I do not think any of the East Riding farmers have identified themselves to any extent with that movement.

602. Were there a considerable number of men in Yorkshire who belonged to the Anti-Malt Tax Society before the formation of your Chamber of Agriculture?—Yes, in other ridings; and all the leading farmers had very much wished the repeal for years, although it was not talked about so much then as it has been lately.

603. And this Chamber of Agriculture has only been the means of bringing it prominently before the public?—It has been the means of bringing the farmers more together, and bringing it before the public; I think there was quite as much discussion before in the different markets as there is now, though it was not so much heard of before the establishment of the Chamber of Agriculture.

604. Sir *E. M. Buller.*] You say that the labourers employed by you always bake their own bread?—They do.

605. What is the character of the ovens which they use?—They have an oven generally which heats from the fire.

606. What is called an oven and boiler grate?—It is just at the side of the fire, and it is heated from the fire.

607. It is not a brick oven?—No; the farm houses generally have brick ovens.

608. There is a kind of boiler attached to the grate, by which they would be able to make their beer?—Yes, or they could boil a kettle on the fire.

609. With regard to rent, is it not the practice to calculate the rent by the quantity of produce raised upon the farm, and the average rate at which that produce sells?—They must have some calculation to go by to estimate the rent of the farm.

610. Do not you know that that which I have mentioned is the practice?—No; I do not know that it is the practice.

611. Major *Parker.*] Of course, if it were the practice, the higher you farmed, and the more you produced, the more you would have to pay for rent?—Yes, take the instance of my own farm; I have spent a great deal of money upon it, and in that case the rent would be higher.

612. Mr. *Surtees.*] I think I understood you to say that you now use about 350 bushels of oats, instead of which you would use 350 bushels of malt, if that tax were repealed?—I would use malt instead of oats, but I should use considerabl more than 350 bushels.

613. Malt costs at present 8 *s.* a bushel?—I does, with the duty on.

614. Without the duty it would cost 5 *s.* bushel, would it not?—Something like 5 *s.* bushel.

615. Oats now cost about 4 *s.* per bushel, d they not?—From 3 *s.* to 4 *s.* per bushel.

616. Therefore, if you use malt instead of oat the duty being off, you would actually pay abou 1 *s.* or 1 *s.* 6 *d.* per bushel more than you do now that is 5 *s.* per bushel for the malt without th duty, as against 3 *s.* 6 *d.* or 4 *s.* for oats?—Th is so.

617. Then there would be an actual loss on a extra outlay of something like 17 *l.* 10 *s.* on 35 bushels, because you would pay more for you malt without the duty than you do now for oats—That would be so, looking at the figures.

618. But you would expect to be compensate for that and even more than recover that sum b the increased health and improvement of you stock in consequence of the use of malt?— should look for more profit from the increase health of the stock.

619. Mr. *More.*] The honourable Member my right conveyed an idea by his question th the interest taken in the repeal of the malt tax i Yorkshire, only dates from the establishmen the East Riding Chamber of Agriculture; do yo remember the election of Mr. Morritt for th North Riding of Yorkshire, and do you recolle whether the question of the repeal of the ma tax entered largely into his return?—I believe l was returned on that account.

620. Was not that some time before th Chamber of Agriculture was formed?—It was; know that the Members for the East Ridin generally have the question put to them about th malt tax.

621. Do you remember whether Mr. Morri put forward a motion of his own upon the subject—He did.

622. Would he have done so unless the peopl of Yorkshire had taken a great interest in th question?—I believe he was returned to advocat the repeal of the malt tax.

623. Mr. *Dent.*] The Chairman asked yo whether there were not Yorkshire farmers wh were members of the old Anti-Malt Tax Assoc ation; can you name any beyond Mr. Booth an Mr. Rawley?—I do not know at all the com position of it.

624. You said that there were farmers wh were members of it; that made me ask you th question whether you could tell us any of thei names?—I told the Chairman that I did not know many in the East Riding.

625. Colonel *Duncombe.*] I wish to ask yo whether you are aware that Mr. Cayley th chairman of the Anti-Malt Tax Association state in answer to an honourable Member that he di not think there was any very strong feeling wit regard to the repeal of the malt tax in the Nort Riding of Yorkshire?—I read the evidence give here, but I do not remember it; there was at th time when Mr. Morritt was returned, a stron feeling on the subject.

Mr. Marshall Heanley, called in; and Examined.

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26. Mr. *Read.*] You are a farmer in Lin- nshire, I believe?—I am.

27. What part of Lincolnshire?—Croft, near infleet, on the East coast.

28. What is the extent of your farm?—About 40 acres.

29. Is that your own property?—140 acres my own property; some belongs to Lord nson, and some to Mr. Drake.

30. How much of it is arable?—About 500 es.

31. And the rest is pasture land?—Eighty adow and the rest grass land; part in the salt sh, and part in the fresh water.

32. Do you consider that 500 acres of arable d barley soil?—Only a portion, from five to field soil; it is loam from the sea, and the h water side is clay. We take barley as the crop, on wheat stubbles, to make our six rse.

33. What is that six course?—Turnips, oats, eat, seeds, and then we take either wheat and ley. Sometimes, if the seeds are missed, we e beans to prepare for the wheat.

34. I gather from that rotation of cropping, t you farm tolerably good land?—Yes; the rage rent is about 2*l.* an acre.

35. What extent of barley do you generally w in a year?—From 40 to 50 acres.

36. I imagine yours is not much of a barley ntry?—No; but I have farmed on Lincoln ath.

37. Have you any experience in the barley- ving districts of Lincolnshire?—Yes, through- the county.

38. Where in Lincolnshire is the best barley und?—Lincoln Heath, Lincoln Cliff; the th extends from Lincoln to the South, and Cliff from Lincoln to the North Brigg.

39. You are well acquainted with that dis- t, are you not?—Yes; I farmed in that hbourhood, on the Grantham Road from coln.

40. What sort of barley does it grow?—The best.

41. Is there a large quantity of land in Lin- shire that grows the second-class barley?— arger quantity grows second-class barley, and ery small portion grows the first-class.

42. Where is the second and third-class qua- s principally grown?—Lincolnshire varies y much. Coming from the sea you have n, the middle marsh clay, the Wolds, and n valleys between; and it is on the Wolds the high parts that the best barley is grown, the remainder of the land grows the second third-class qualities.

43. In Lincolnshire you have almost all va- ies of barley soil; are you acquainted with n all?—I am.

44. What effect do you think the malt tax has n the best barley?—I take it in this way, that best barley will always fetch the best price account of bitter beer being so fashionable, with regard to growing the second and third- s barley we want the duty removed on unt of it pressing so heavily upon them.

45. If the malt tax was repealed do you k the very best barley would still maintain alue?—Yes, in proportion to the second and l qualities.

646. I mean their absolute value; do you think the price of barley would be diminished?—The best barley would continue to keep up its price.

647. That is in consequence of there being so great a demand for it for the manufacture of superior beer?—That is my opinion.

648. Now with regard to the second-class barley?—The second-class barley, which is used more for feeding purposes now would be made into malt. The third qualities are crushed for feeding purposes, because people will not pay the duty on it.

649. You think that if the malt tax were repealed there would be a better demand for the third-class barley?—No doubt of it.

650. The second-class barley is malted, generally, now?—It is.

651. But in some seasons the third-class barley is never malted?—It is too thin to malt.

652. Where barley is much discoloured, and injured by a bad harvest, what is done with it?—It goes for feeding purposes, or for porter brewing; it is not used for ale.

653. What proportion of land in the county of Lincoln do you suppose grows the second and third-class barley?—The chief part of Lincolnshire is Four-field, where they grow a lower class of barley; they try to get a crop of wheat instead of barley at the present day.

654. Why is that?—On account of the lowness of the price of that barley, they think it does not pay. If they think they can get a good crop of wheat they prefer it.

655. Is the malt tax any hindrance to very high farming; for instance, if a man were to feed off his turnips with a large quantity of artificial food, would it have a tendency to throw the barley down?—I do not think it would have that tendency in Lincolnshire that it would have in Norfolk.

656. Will you give your reason for thinking so?—We go more for an allowance of oil cakes, and corn to a great measure is left out. We do not feed so freely with corn as you gentlemen do in Norfolk.

657. I suppose when barley is lodged early from a very forcing season, or from highly stimulating manures, it is very much injured?—Yes, it goes to the pig feed.

658. This year, I suppose, there has been a very good demand for all classes of barley?—There has.

659. In consequence of other feeding stuffs being so much in demand, third-class barley has been selling at a good price?—It has been selling at very good prices.

660. Have you ever used any malt for feeding your own cattle?—No, I have not. I buy many sheep in the spring of the year, and I have bought Mr. Richardson's, of Asgerby, hoggets for 17 years, and he has used it.

661. Have you any idea to what extent he uses it?—No; he used it two years ago on account of his hoggets being out of order. I saw them in January, and when I went to buy them in April I was surprised; I thought they would not do for my purpose in January. I said, "What have you done, Mr. Richardson?" He said, "I fetched them up with Mr. Gladstone's mixture."

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662. How many years ago was that?—That was two years ago.

663. In that case I suppose the lot of sickly hoggets speedily recovered their health, and were very much improved?—Yes, they were.

664. And you attribute that to the use of malt?—I attribute it to the use of Mr. Gladstone's mixture of malt and linseed.

665. The main ingredient of that mixture is malt, is it not?—I believe so.

666. Can you give any other cases where malt has been used for feeding?—Mr. Richardson objected to it on account of its mealy state; he said that he should prefer to use malt by itself.

667. Why did he object to it?—On account of the great waste. On a windy day it would be blown out of the troughs.

668. Perhaps he did not use it in hot weather? —It was between January and April when he used it.

669. Can you give us any other instance of malt being successfully used for feeding purposes?—Mr. Richardson, of Carlton, near Louth, tried it with young beasts, and found it very useful in getting young steers off at the age of 14 or 15 months.

670. In preparing your beasts of 14 and 15 months old for the butcher?—Yes.

671. Do you consider that malt is given to the great majority of stock exhibited at our shows? —No doubt of it, and particularly by ram breeders.

672. Do you think the breeders of the best Lincolnshire rams use malt at all?—There is no doubt they do; I have it direct from Mr. Robt. Mackinder, a maltster at Bolingbroke, who prepares this mixture; I asked him how he got on with Gladstone's mixture, and he said, "Oh, the ram breeders use it the freest of any;" I cannot say whether the others do it or not.

673. The farmers generally do not use it?—No, they do not.

674. Sir *E. M. Buller.*] Your experience is much in favour of Mr. Gladstone's mixture?—Except in a moist state; it is too dear; in a mealy state it is so apt to waste before the animals take it; therefore, we should prefer having the malt in our own hands to do as we like with it.

675. Would it not be very easy to break Mr. Gladstone's mixture rather coarser?—They do not give us the opportunity, I am sorry to say.

676. You say that you grow from 40 to 50 acres of barley, that is about one-twentieth of your farm, is it not?—I should call 500 acres of it arable.

677. Then it would be about one-tenth of the arable land on your farm; should you grow much more barley if the malt tax was repealed?—We should have it frequently where we now grow wheat; particularly in the low districts of Lincolnshire.

678. You have not made any calculations with regard to the increased amount of acreage which you would apply to barley?—I have not; of course I keep several horses; 26 or 27 horses, and for many years we have found it very beneficial to grow barley; we should very much like to dry that barley, which we cannot do now.

679. Mr. *Arthur Peel.*] Have you had a meetin Lincolnshire in favour of the repeal of the malt tax?—Yes, we had meetings at Louth.

680. When was that meeting held?—At least various times during three years.

681. Is the feeling in favour of the repea the malt tax general among the Louth farmers It varies very much; there is a body of pe there who are very backward at anything of sort; that are against it on account of pay; t want to know where the 6,000,000 *l.* which wil lost by the repeal of the tax is to be refun from.

682. Are most of the advanced farmers in country with whom you are acquainted gener in favour of the repeal of the malt tax? should say they are in favour of it.

683. Have you discussed the question of s stituting a tax upon beer?—I would rather without it; but I would take a tax upon b rather than have the law which at pres exists.

684. You think it the lesser evil of the tw —Yes.

685. Do you remember that there was onc tax upon beer?—I do not remember that; th is a tax on beer now, I believe, since the duty was taken off.

686. There are maltsters in Lincolnshire w malt under the provisions of Mr. Gladston Act, are there not?—Mr. Mackinder has a k at Bollingbroke, near Spilsby.

687. Mr. *Dent.*] Do you anticipate that th would be a great increase in the growth of barl if the malt tax were done away with?—I thi we should get a better price for the second-cla barleys than we do now.

688. Do not you think that if there were increased price upon the second-class barley would immediately meet with competition abroa —They can only grow one crop upon the grou as we do.

689. Are you aware that there is an immen acreage on the Continent that is at present u used, where barley might be grown if it pa them to import it into England?—Why do th not grow linseed, which pays the best of anythin

690. Perhaps they may find linseed a more e pensive crop to grow?—Two or three years a they bothered us with the wheat; they canno grow wheat and barley on the same acres.

691. They might increase their growth barley, might they not?—They send all they ca now, no doubt.

692. The malting trade has lately very muc increased in Nottinghamshire and that distric has it not?—It has increased. One firm Lincolnshire, whom I know has a kiln at Barto and their business has increased very much.

693. Have they increased in Grantham an Newark also?—They have.

694. They could not grow any more barley the heath than they do now, I suppose?—O yes, they could. Although barley is so dear, the put a great deal of wheat in on the turnip lan instead of barley. If the malt tax were off the would have better faith in the barley growing.

695. Mr. *Read.*] Have you heard wheth there are many maltsters who malt by weig instead of measure?—No, I have not heard any.

696. You do not think that that Act, whic was passed for the special relief of second-cla barleys, is much practised in Lincolnshire?— do not think it is.

697. Did you hear of Mr. Laws' experiment on feeding cattle with malt?—I did.

698. Was it a judicious and fair experiment —We thought not at the time.

699. Wi

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699. Will you be good enough to tell us why? We thought he had not mixed his food pro-rly, and Mr. Richardson, of Carlton, near Louth, pressed his opinion very strongly upon that int; he said he should like to join Mr. Laws in experiment.

700. You have used a considerable quantity of routed barley for your horses; is that per-tted now by law?—We sprouted it; but they ind fault with us, and would not allow us to y it.

701. Are you aware that in a great number of stricts the sprouting barley is not allowed?—ıe late Thomas Greatham was found fault with, d was not allowed to do it; he used to feed the horses with sprouted barley, and the ex-semen told him he must stop it.

702. I understand your evidence to be this, at the course of cropping is interfered with by e operation of the malt tax in some way or her?—I do not think it is interfered with, but think wheat is put in on turnip land where rley ought to be grown. If you take the ur-field system, I contend that if you take ıeat the first year, you ought to have barley o years afterwards; when you have a wheat op you lose a sack an acre.

703. You think if it were not for the malt tax rley would be grown after the root crop?—arley would keep its rotation.

704. Do you think barley is a desirable crop r the farmer to grow, as far as extracting anure from his land is concerned?—There is ry little difference in it, I take it; by keeping e wheat crops further apart you get more ofits.

705. You do not consider that the barley takes ore manure out of the land than wheat?—No, do not.

706. Do your labourers brew at all?—Not at .

707. Do you give them beer?—Only on thrash-g days; my foreman keeps lads in the house, d they brew for them.

708. Your foreman brews the beer which these ls consume?—That is so.

709. What amount of beer do you give them? We allow seven bushels for the lads, and eight ıshels for the foreman himself, for the year.

710. What rate of wages are you now paying? I pay nothing under 15*s.* for the daily bourers, unless they are old men; the steam ıgine men receive up to 3*s.* 6*d.* a day; one ıinea a week.

711. Do your labourers drink a good deal of eer?—No; they are a very steady class of men, a rule.

712. They do not frequent public-houses uch?—No, except those that come from the llages or small towns.

713. That is to say, that in the villages and ıall towns there are a good many public-houses? -Yes; our rural labourers are very steady and ber men.

714. When you say rural labourers, you mean ıose men who live in the cottages on the farms? -Yes, or in the parishes; the more they live art, the better they are.

715. You mean the further they live from the ıblic-houses the better labourers they are?—es, no doubt of it.

716. Is the quality of the beer at the public-uses pretty good?—No, anything but good as rule. With regard to the tax being placed upon the beer, I may mention that the amount of malt tax that I pay on the beer which I consume for my lads and thrashing men on the arable land, would be quite equal to my property tax under Schedule B.; that is not on my grass land, but on the arable land.

717. Sir *E. M. Buller.*] What quantity of beer do you brew from seven bushels of malt?—About 13 gallons to the bushel.

718. In your neighbourhood is there much private brewing?—There is much less private brewing than formerly.

719. Are the labourers generally supplied by the large brewers?—The farmers are getting in the habit of having their supply from the large brewers.

720. In your neighbourhood you have no small brewers?—They take their beer from the nearest points; of course small towns have small brewers.

721. In the small towns, have you any brewers who brew to a sufficient extent to supply a small town?—They brew at a cost of about 14*d.* per gallon; they brew a little weaker for the harvest time, and then they charge 1*s.*

722. I am speaking rather of the extent of the breweries; have you small breweries in small towns?—Yes; I should say they are small in the small towns.

723. Are they publicans as well as brewers, generally?—Not generally; there are some brewers that are not publicans.

724. Do you know whether the quality of the beer supplied by the brewers, who are publicans, is good?—The beer supplied by a brewer who has not got a public-house is better than that which is supplied by those who are publicans.

725. Do you state positively, from your own experience, that the beer sold by the publicans in your neighbourhood is invariably bad?—I like the beer brewed on my own farm a great deal better than that supplied by the publicans; it suits my constitution better. Why should it be so if it is the same quality; you cannot drink public-house beer and be well the next morning.

726. That you say is invariably the case in your neighbourhood?—Yes.

727. Do the publicans brew their own beer, or are they supplied by the brewers?—In some instances they brew beer and also take some from the brewers.

728. Has there been any increase in the number of breweries lately in your neighbourhood?—No.

729. There have been no small breweries established?—I should say not. In answer to your first question I should say that in some cases where the brewer has a property in a public-house he supplies that house, but where that is not so the publican generally brews his own beer.

730. You have never calculated the profits of brewing?—No, I have not.

731. Mr. *More.*] You stated, just now, that the malt tax on the beer which was consumed by your men was as much as the income tax on your arable land?—Under Schedule B.

732. I wish you would amplify that statement a little?—Then take the 10 people who have the seven bushels of malt per year.

733. Do you mean by "people" the labourers?—I do, the confined labourers; I do not know the quantity of beer that we give to the others.

734. There are 10 labourers?—Yes, two fore-

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men and eight lads, they have seven and eight bushels; you may take it at nine quarters or at 9 *l.* 9 *s.* 8 *d.*

735. What is the amount of the tax that you pay?—About 38 *s.* to 2 *l.* it would be, at 2½ *d.* in the pound.

736. What is your income tax upon the arable land?—That would be 5 *d.* per acre.

737. On how many acres?—On 500.

738. What would be the average rent that you pay?—£.2 is the average.

739. That would be about 10 *l.*?—And we have the beer which we give to our thrashing men, besides that which brings it up, that is upon arable only. If you were in a hay country I think you might put the hay in along with the arable; but in a grazing district where we feed our sheep we have very little labour on that land.

740. An honourable Member asked you why you did not anticipate a flooding of the market with foreign barley. Should you think it a proper answer to that, that the supply of foreign countries can only just equal their own demand. For instance, at Germany they require all the barley that Germany yields?—I suppose their increasing population will continue, and better living will take it away, the same as it does in this country.

741. Have you directed your attention to the question of the manufacture of beer in those countries, and ascertained what the demand for barley and malt is?—No, I have not. I have had a long argument with a cousin of mine who is a maltster, and what he said might possibly be a reply to your question. He wants to keep the tax on.

742. Mr. *Dent.*] Your cousin the maltster want to keep the tax on?—He does.

743. Mr. *Read.*] You say that you now pay your labourers about 16 *s.* a week?—The old men are not paid that much, because they are not capable of doing more than half a day's work; the others are paid not less than 15 *s.* a week.

744. In harvest time, and in the summer, they have a certain amount of task work?—They have they are chiefly paid by the acre.

745. What do you think a good Lincolnshir labourer would average throughout the year putting the task work and the day work together —He will earn over 50 *l.* a year.

746. You said that for the most part these men are very steady and industrious?—As a rule, they are throughout our district.

747. Do they drink any beer?—They do sometimes drink at the public-house, perhaps a pint on a Saturday night.

748. I do not mean whether they go to the public-houses; but do they drink any beer in their cottages or when they are at work?—No unless it is in harvest time. If they have task work in harvest time they send for beer.

749. How do they send for beer?—They send to the public-houses for it.

750. They do not have a cask from the brewery?—No; sometimes the farmer will order a cask for them.

751. Is there any other subject which you would like to bring to the notice of the committee?—Nothing occurs to me.

Mr. Edward Wells Moore, called in; and Examined.

Mr. *E. W. Moore.*

752. *Chairman.*] Where do you live?—At Coleshill.

753. You are Lord Radnor's agent, are you not?—I am.

754. Do you farm any land yourself?—I do not.

755. Do you look after any property besides Lord Radnor's?—Only some small matters.

756. Have you turned your attention to the question of the malt tax at all?—There has been much discussion upon the subject throughout the country.

757. In your part of Berkshire do you grow much barley?—On some parts of the estate, which is under my care, a good deal of barley is grown; but in the neighbourhood round Faringdon it is chiefly barley land.

758. It is light land about there, is it not?—It varies very much; our parish of Coleshill is chiefly strong land.

759. Is it a large area?—2,700 acres.

760. Are the farms generally large or small?—They are generally between 300 and 400 acres; our own farm is about 800 acres.

761. Is your own farm composed principally of arable land?—There are about 500 acres of grass, and 300 acres arable.

762. Do you farm it upon the four-course system?—That is the principle we adopt.

763. Is that the general principle adopted in your county?—That is the principle we adopt in our leases.

764. If a man went out, he would have to go out on the four-course system?—Yes; there is a great variation from it in the neighbourhood, but that is the rule.

765. Do you generally grow first-class barley in that country?—Upon the barley land it is very good.

766. Is it as fair a sample of barley as can be grown throughout the country?—Some farmers grow barley as good as can be grown.

767. Do they grow barley fit for making pale ale?—I do not think there is much of it sold for that purpose. It is sold principally in the neighbourhood; a few years ago farmers used to go to Didcot to meet Messrs. Bass' agent, who came there to buy barley.

768. Have you ever used malt for feeding purposes?—No, never.

769. You know nothing about malt being used for feeding?—I know nothing from my own experience.

770. I will just ask you how you would classify barley; would you divide it into three classes or four?—I should say probably three, that is to say, the finer sorts of malting barley; the second class, which is also used for malting; and the inferior barley, which is grown upon our stronger land, and which is only fit for feeding.

771. What effect would there be upon the second class barley, supposing the malt tax were taken off?—My impression is, that the effect would be very slight either way.

772. You do not think that it would have the effect of raising the price of that barley from 4 *s.* to 6 *s.* a quarter?—It is a very difficult point to give

an opinion upon. I have heard the subject er discussion, and I am inclined to think that ould not have a very great effect upon the e of barley.

73. What effect would it have upon the first- s barley, would it increase or decrease its ie?—I should say it would remain much the e. I think the tendency would be rather to ease than increase.

74. Do you think that the maltsters would be ned to buy the second-class barley if the were off.—I should think that would de- l very much upon the supply of the better ity. I know that there are some maltsters buy the inferior quality barley, because they not so particular about the quality of their . They sell an inferior article, and it would be of so much importance to them.

5. Do you not think that the second-class y, if made into beer, would make very good for your agricultural purposes?—I should it would, decidedly.

6. Do your labourers receive beer as part of wages?—Yes. The carters and the men nding upon the cattle, and so on, have beer he year round, but the others only have it ng hay making and harvest time.

7. Do you buy beer for them, or do you them malt to brew for themselves?—We it for the purposes of the farm, on the farm.

8. Is that the general custom amongst the nts?—It is very much decreasing now.

9. What do they do instead of brewing it? ey buy beer from the brewers.

0. Do the farmers generally pay their men ly in beer and partly in money?—Generally do.

1. That applies to all the labourers, carters, herds, and that class of men as a rule?—It .

2. And the ordinary labourers and others beer at hay time and harvest, but no other of the year?—Not at any other time of the .

3. What is the value of the beer which your ers and shepherds have?—I believe I am t in stating that there are four bushels of malt 20 gallons for the ordinary beer, and eight iels to 120 gallons for the better sort of beer.

4. You find that it is a great boon to the to have good beer?—They think very much .

5. Do you find the beer that the farmers get the brewers of a bad kind?—It is very able in quality. There are one or two vers in our neighbourhood who have the re- tion of selling good wholesome beer very ply. In saying that the farmers do not brew own beer, I should say that they generally what they drink themselves.

6. As a rule you consider that the brewers, rally speaking, brew better beer; but the ic-house beer you consider not to be so ?—I think that the beer that is retailed is, rule, very inferior, and very injurious to the le who drink it.

7. That is the public-house beer?—Yes; beer-house system is the curse of the try.

8. Is it or is it not your opinion, that it is a thing to give your labourers beer as part of wages?—My own opinion is, that it would etter to give it to them in money, and let purchase it themselves, but it is a thing that must be done in the course of time. You cannot run counter to the prejudices of the people all at once; we find that we succeed in our object by gradually introducing a new system, rather than by forcing it upon the labourers all at once.

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789. Supposing you paid the money instead of giving beer, would they buy from the brewers or from the public-houses?—With us I should say, generally, that it would be from the brewers. I have made an effort for some time past to introduce that system; and we find that the brewers in our neighbourhood are competing very much, one with the other, to get the custom of the working classes, and they send their carts continually with small barrels to the villages; and they are doing considerable trade in that way. The labourers consequently get a superior quality of beer to that which they would get from the beer-house.

790. Supposing a man took one of those barrels of beer, what quantity would it contain?—Four-and-a-half to nine gallons.

791. What would he pay for that?—I should say the average would be probably 1*s.* or 10*d.* a gallon, because they like to have it pretty good. Perhaps our own place is rather exceptional, because the men brew themselves. Lord Radnor pays the malt duty.

792. Do the labourers in your neighbourhood brew for themselves?—Not generally; in our village every man in the place brews, but they do not brew so much as they did, because of the system which is gradually coming into use of getting beer from the brewers. The number of tickets which I issue annually now is very much less than they were three or four years ago.

793. You say that Lord Radnor pays the malt tax?—He does; I give them a ticket or order upon the maltster, stating that I will pay the duty; and he sends me the bill for the duty.

794. Is that the case with the farmers?—No, it is not; this is the only case I know of.

795. Supposing the malt tax were taken off, do you think that would be an inducement to the labourers in your neighbourhood to brew their own beer?—I think not; I believe the system is going out, and the sooner it is done away with the better.

796. Why are you of opinion that they would not brew?—They have not the conveniences for brewing; I do not agree with the notion that it is a good thing for the labourers to brew a few gallons every week; I think if a man is to have good wholesome beer, he should brew in a proper way; the labourers have not the proper conveniences, and if they get them, the brewers would do it better than they could.

797. It is your opinion that good wholesome beer is the best thing for a labourer; but you think that beer can be got from the brewers better for them than if they brewed it themselves?—No; my own impression is that there is nothing so good as the home-brewed beer; but you rarely get, even from the brewer, the quality which we make ourselves; two or three summers I got beer at the brewers during the haymaking (harvest), but the men never like it as well as what we brew at home.

798. You do not understand me; I understood you to say just now that if the malt tax were taken off, the labourers would not brew their own beer, because of the system which is being introduced into your neighbourhood of buying beer from the brewers,

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brewers, and I asked the question, whether you thought, if the tax were taken off, they would brew at home; you said, no, they would not; then you afterwards qualified it by saying that home-brewed beer was better than the brewer's beer?—Yes, that is my opinion, when the beer is brewed by the farmer.

799. I ask you again, whether if the tax were taken off, the cottagers would brew their own beer, or whether they would not?—I think not; the system is gradually getting into disuse; I say that it is much more convenient to tell a man when he comes round to bring a little barrel of beer; I have no doubt that the brewers are paying full attention to that subject, and they are endeavouring to meet this matter, and to give a good wholesome beer.

800. Do you think that the beer they would brew in their own cottages would be as good and as wholesome as the beer the brewer would supply them with?—I could hardly answer that question; I have known as good beer as a man need drink come from the brewers, and I have known some as bad; I have known labourers complain in the fields of the effect upon them of the beer that has come from the brewers, at the time they are at work; it has produced bad effects; I think I quite understand your question; I state it, as my opinion, that brewing at home is going out of use; but I still think that brewing at home, where it is pure and simple malt and hops are used, is the best kind of beer which can be got; but I am not quite sure whether there are not some additions to it generally elsewhere; I should be thankful to see the poor people supplied with good wholesome beer, without any mixture of anything else.

801. Some witnesses from the neighbourhood of Burton spoke of a species of beer called "clink;" did you ever hear of "clink?"—Never.

802. Supposing it were thought advisable to recommend that the tax should be taken off malt, and that it should be placed on beer, do you think that the farmers in your neighbourhood would have any objection to that?—I can scarcely answer that question for others, because I have never heard it much discussed. But my own impression is, that it is best where it is. Looking at the inconveniences that will arise from having to pay a tax upon beer, the interference with private arrangements, and so on (I suppose the Excise would have to look after the brewing in private houses as well as public houses), I should say that the tax had better be paid upon malt than upon beer.

803. Of course, we cannot disguise from ourselves that at this moment we cannot forego so large an amount of revenue as is collected by the malt tax. But supposing we could find any substitute, such as has been suggested, a tax upon beer, it does not at all follow that an exciseman need go into private houses; but it does follow that the private houses must be taxed in some way or other. Your answer to my general question is that you think it had better remain where it is than be put upon beer?—Yes. I have been surprised at hearing opinions expressed to the contrary by advocates for the repeal of the tax.

804. Is it your opinion that the tax should be repealed?—I should be glad to see it repealed if the country could do without the amount of revenue derived from it. I should be extremely glad to see the malt tax repealed if it could be done consistently, with due regard to the gener interests of the country.

805. Then your opinion is, that anything th is done should be in the direction of the repeal the malt tax, partially or in whole?—I think should not be dealt with till there is a probabili of its being wholly repealed; because to redu the tax whilst the expense of collection remai the same would be impolitic.

806. Sir *E. M. Buller.*] I understood y to say that home-brewed beer is the best wh brewed under favourable circumstances; you not mean to say that the cottage-brewed beer brewed under the most favourable circumstanc do you?—Certainly not, as a rule.

807. Do you mean to say that cottage brewin is the best brewing?—No; I should say not.

808. Have you been in the habit of tasting th beer that has been brewed at cottages?—I ha years ago; I know pretty well what it is.

809. You do not know generally what sort beer it is?—I think I do; I know pretty well th quality of it.

810. And is it good?—It is what they ca good fresh beer; but no man would drink a larg quantity of it.

811. As to the payment by Lord Radnor the duty, how is the bill made out; is the mal ster's profit charged to the labourers?—He pa for the barley the price, whatever it is, at th time he has it.

812. He pays for the barley?—He does.

813. Lord Radnor pays the maltster's profit —His lordship pays simply the duty.

814. Who pays the maltster's profit?—Pr bably there may be a slight increase in price p upon the barley; that is a business between th maltster and the person who buys the barley.

815. I want to know how you settle for th maltster's profit; you say that the labourer ou pays for the barley?—I have nothing to do wi that question further than this, that I give a print order, or some one signs for me a printed orde upon the maltster for two or four bushels of ma as it may happen. The arrangement betwe me and the maltster is, that I, on behalf of Lo Radnor, simply pay the duty. I never kno anything of what the maltster charges the peop for the barley itself.

816. Therefore you cannot answer my que tion as to how the maltster gets his profit in th transaction?—I cannot.

817. Does the maltster in selling malt in sma quantities charge a higher rate than he does selling large quantities?—I am not aware.

818. Lord *Eustace Cecil.*] You said that y were rather in favour of a malt tax than a be tax; do not you think it possible that the be tax should be compounded for with priva brewers, without the visit of the exciseman?— any case it is only shifting the burden; becau the consumer in paying the tax would be payin it upon beer instead of malt.

819. You said you preferred the malt tax, b cause you thought the collection of the beer t would be vexatious to private individuals?— did.

820. Are you aware that between the yea 1713 and 1783 private brewers were able to co pound for so much per head in their houses?— am not aware of that.

821. You have not turned your attention to t way in which the private brewers might be taxe —No, not at all.

822. Ma

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822. Major *Parker*.] Why do you think that e abolition of the malt tax would have the ect of diminishing the value of the better alities of barley?—My impression is, that if e supply of barley were increased, and there re more barley grown, probably the supply uld be greater than at present; and there would more competition; and, therefore, the higher alities of barley would not fetch the high prices y do now; probably, also, because the inferior ality of barley might be used more extenely for malting purposes than it is at present.

323. Do you think that a larger supply and e of the inferior qualities of barley would be ejudicial to the interests of the public?—I do t know that it would.

324. Do you think that it would be prejudicial the farmers?—I think not.

825. Is it your opinion that free trade in wheat d the effect of reducing the value of the better alities of wheat grown in this country, in reive proportion to the ordinary qualities of eat?—I cannot say that I have thought much on the question in that light; I do not think ad a greater effect in reducing the price of the tter quality than the inferior quality.

826. Why should it do so in barley?—Because better class of barley is fetching a much gher price in proportion than it might do if a ange took place; I may be wrong, but I have l that feeling upon the subject. The best deiptions of barley are chiefly bought up in our ghbourhood for the Burton brewers. There a gentleman who comes to Didcot, and he will ays give more in our neighbourhood for it n anyone else.

327. Mr. *More*.] You said that you would be prised to hear the substitution of a beer tax vocated?—I said that I was surprised.

328. You were surprised at hearing it advoed by whom?—By gentlemen whom I know be strong advocates for the repeal of the tax.

329. You have heard it advocated by both the nesses who have preceded you to-day?—I ught they were undecided upon the point; y said that they would rather be without it, t it was the choice of two evils.

330. The feeling in favour of the substitution the tax is general, is it not?—I think not.

331. You seemed to hesitate as to which was more preferable in quality, home-brewed beer cheap brewers' beer; the recommendation of home-brewed beer would be its absence from lteration; but the recommendation of the ewers' beer would be, that you could get better er when brewed in large quantities?—My imession is, that the poor people, in a pecuniary int of view, will be able to get beer cheaper m the brewers, if they supply them with good olesome beer, than if it were brewed at me.

832. Are you sure that the beer will be wholene?—That is my doubt. I see no reason why hould not be wholesome.

833. What is there to prevent these poor peo- getting one large brewing apparatus, open to whole lot of them, clubbing together and tting the same amount of material, and diing the liquid afterwards?—I do not think t is a plan which would be practicable.

834. Are you aware that it has been tried and answered in Gloucestershire?—I do not ow any particular locality in Gloucestershire ere it has been tried.

835. Mr. *Hardcastle*.] I think you expressed an opinion in favour of home-brewed beer, as against brewers' beer; was that because you considered that the brewers' beer was adulterated, or because you considered that the beer is better brewed in small quantities than in large quantities?—Although there are some brewers who send out very good wholesome beer, yet the beer I have tasted from breweries is not equally good as the home-brewed beer.

836. Is that owing to adulteration?—From whatever cause it may be, it applies much more forcibly to what is drunk at beer-houses than the beer which comes from breweries. There are breweries in our neighbourhood that now supply a description of beer that is very much liked.

837. Mr. *Dent*.] Do you think that the malt tax interferes with good agriculture?—My impression is that it does not.

838. Do you not think that barley has been of late years, in spite of the malt tax, one of the most profitable crops that the agriculturists could grow?—Unquestionably.

839. And that where the climate and other conditions suit, it is at present cultivated to about as great an extent as it possibly could be?—I should say so; probably it is also grown on some soils where other things might be grown more profitably.

840. We all know that Lord Radnor has taken a very great interest in the condition of his labourers; would you have the goodness to tell the Committee what the average wages of the labourers are in your part of the world?—I should say, at the present moment, that they are 11 *s.* a week amongst the farmers. We pay, as near as possible, according to what a man earns; from 10*s.* to 18*s.* a week.

841. Is there any house or cottage with it?—Only what the men who are milkers and carters, and so on, have; they usually have 2 *s.* a week more than the ordinary labourers, and a cottage and a garden.

842. What is the usual cottage rent; I am not speaking particularly of Lord Radnor's property, but the cottage rent in the district generally?—I should say that it varies very much, from 1 *s.* to 2 *s.* In the country districts it is generally 1 *s.* or 1 *s.* 6 *d.*, according to the size of their gardens. In the town of Highworth, where there is a large poor population, there are 500 houses under 5 *l.* a year rent. The cottages are very dear.

843. Then this 11 *s.* a week does not include the beer that is given them; they get that besides?—They do.

844. Do they get any other privilege in the way of food?—None at all; but some of the farmers continue the old practice of giving the milkers their breakfast on the Sunday morning.

845. You think that it would be far better to pay the money wage than to give them the beer?—Yes, if it could be done; but it is astonishing how much they value the beer we give them.

846. Mr. Riley said that in the Wolds the beer is only given at particular times, and there the money wage is 17 *s.* a week?—The wages are generally considered low in our district.

847. Do the farmers brew for themselves?—I think so; they brew nearly all they drink themselves.

848. I mean, do they brew what they give to their labourers? — That was the universal practice; but many of them are now beginning to

buy

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buy beer for their labourers; and it is a practice that is increasing very much.

849. Have you public bakehouses in your villages?—No, we have not.

850. Do the cottagers bake at home?—Some of them bake at home; and we have in several instances put up bakehouses for, perhaps, five or six cottages separately.

851. Do they agree over their bakehouses?—No; most of them buy their bread, with the exception of what they glean in the harvest.

852. Do you have a public bakery in the village?—No; three or four bakers come from Highworth.

853. One of the honourable Members suggested a public brewing utensil amongst the cottagers; would that be much more likely to answer than a bakehouse?—I do not think it would answer. They like to be independent, one of the other. They do not like to mix up in that way.

854. Do not you think that it would be very uncongenial to the habits of the labourers for each to buy their bushel of malt and brew a large quantity and divide the yeast and the grains?—I think so.

855. No class has so little idea of co-operation of that kind as the agricultural labourer has?—Quite so, but I think we are making wonderful progress. It is perfectly amazing the improvement that is taking place among the agricultural labourers. We have some very intelligent people among them.

856. I mean with their present habits, it is not likely that there can now be that co-operation?—No; I should like very much to say how strongly I feel the importance of something being done and done quickly in our rural districts about the licensing and beer-house system.

857. *Chairman.*] Will you give your views upon that?—It is simply upon the ground of removing temptation out of their way. The worst description of beer is brought close to their doors upon the very worst possible principles. All kinds of contrivances are made to get a license. I am a member of the assessment committee, who have been working hard upon it for the last three or four years; and we find that without character or anything else they come before us and try to put two or three old rubbishing cottages together, simply to get the license. I feel, having been working hard for 30 years to try and benefit my fellow men in the country, that though not perhaps the greatest, yet one of the greatest, obstacles to improvement amongst them is the beer-house system.

858. Do you find that they go elsewhere than in their own immediate neighbourhood to get the six signatures that are necessary from householders, to enable them to have a beer license?—They do try; but the farmers look after them pretty well. There has been some effort made in several of our villages by the tenants, who feel very much with myself on the subject; and they have done all they can to hinder people getting licenses unduly. The number of beerhouses should be regulated according to the wants of the district; there should not be three or four in a village, which positively does not require one; more especially as they are often kept by persons, I will not say of the worst character, but whose only object is to sell their beer.

859. Mr. *Dent.*] Would you put them all under the same system as the present ale houses?—Yes, that is my impression, that they should be well-conducted public houses.

860. *Chairman.*] And that the license should be granted by the magistrates?—Yes.

861. I want to ask you a question with regard to what my honourable friend, Mr. Dent, asked you, as to the cultivation of barley. We have it in evidence from a great number of people who own heavy lands, Mr. Clayden, of Littlebury, amongst others, barley is not grown upon heavy lands in the same proportions as it would be if there were no malt tax. Is it within your knowledge or not that in certain districts wheat is substituted for barley, because barley upon that stiffer land is not a remunerative crop?—I should not say that it is not a remunerative crop, because I believe it is; but you can never grow a good malting quality of barley upon such land. But from observation and experience at home as well as in other districts, I believe that it grows a better quality of feeding barley, although it is darker in its colour, and sometimes quite inferior in quality for malting. We get what we call the strong barley, which is more profitable for feeding than the barley which is got off the thinner and inferior soils, and is used for feeding pigs, and so on.

862. Your argument is that if the tax were taken off that class of barley would be largely grown, and used for malting purposes?—Not that grown upon strong lands, unless a very inferior barley were used to what is now used.

863. Sir *E. M. Buller.*] You told us that in your opinion there would be no advantage in substituting a beer tax for the malt tax, inasmuch as the tax is paid by the consumer?—I did.

864. Would it not be a great advantage to a farmer if a beer tax were substituted for the malt tax, so that he would be able to malt any quantity of good barley, and use it for feeding purposes?—I am not of opinion that it would be of any great advantage to a farmer.

865. You have formed no opinion whatever of the advantages of feeding with malt, have you?—My own opinion is that barley contains all the valuable properties of malt, and if properly mixed with other food it would be equally valuable as malt for feeding animals.

866. You discard altogether, as untenable, that argument which has been put forward, that the repeal of the malt tax would be of great advantage by enabling the farmers to feed their stock with malt?—I cannot say that; I would not say that a small mixture of malt among other food may not be good for lambs and calves. I use boiled linseed; whether it may be more beneficial (or equally beneficial), than other substances, I cannot state.

867. Supposing we have had it often stated in this Committee that there are great advantages in the use of malt instead of barley, that the substitution of a beer tax for a malt tax would be of great advantage, inasmuch as it would enable the farmer to malt any quantity of barley, and so use it?—I think it would be very desirable if we could do as we like with our own produce, should circumstances admit of it.

868. Is it not the case, that if you put on a beer tax you would obtain as large a sum for the Exchequer, and take less out of the pockets of the consumers. Supposing the price of barley to be 40 *s.*, and that it might be malted at 40 *s.*, and the duty is 20 *s.* a quarter, that is a tax of 20 *s.*,

which

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ch is paid by the maltster; and inasmuch as
maltster pays down that 20*s.*, must not he
rge a per-centage upon that 20*s.* to his cus-
ers?—I do not think that I quite understand
question.

69. If the maltster has paid 20*s.* to the Go-
ment, he has expended in producing that
rter of malt 60*s.*, and he must charge his
rage per-centage of the profits on the whole
hat 60*s.*, is not that so?—I should say so.

70. He must sell it at a profit, not only upon
price of the barley, but also on that portion
he price which consists of the tax?—That
it must be charged upon the duty, you mean,
that you pay 25*s.* instead of 20*s.*

71. It will operate somewhat in that way.
smuch as the maltster has paid 20*s.*, he will
hand over the article at its prime cost to the
omer; but he must have his 10 per cent., or
tever it may be, upon the 20*s.* he has paid
n as well as the rest?—He gets some portion
is profit, I apprehend, in the increase of bulk.

72. I am not talking of that. I wish to com-
the 20*s.* paid by the maltster with the 20*s.*
by the brewer. If the 20*s.* is paid by the
ster, is it not reasonable that he must have a
t upon it?—It is.

73. Therefore the sum charged to the con-
er must be 22*s.* instead of 20*s.*?—Just so.

4. In the other case, if taken from the
brewers it would only be 20*s.* paid by the consumer of the beer?—If the tax could be raised upon the beer, and collected at less inconvenience, and not at a greater cost, I should think there is little to be said on either side; but it is hardly worth transferring a burthen nominally from a certain article to what that article produces.

875. But what is true in passing the malt from the maltster to the brewer, will be also true in passing it from the brewer to the consumer. Taking the tax at an early stage, that tax, when it comes to the consumer, must be aggravated by the profits of each person through whom the malt has passed before it gets to the consumer?—Yes, I think I see what you mean.

876. There would be the advantage of allowing a farmer to use his own produce as he pleases, and also the advantage of all that which was the profit upon the tax which would be paid at a later period instead of the former period?—Yes, there would.

877. Mr. *Hardcastle.*] Are you aware that in the case of almost all large breweries, the brewer and the maltster are practically the same person?—I know sometimes it is so; but in the country not generally.

878. But is not that so in all the large breweries that govern the price of beer?—Yes, I am aware of that.

Tuesday, 9*th June* 1868.

MEMBERS PRESENT:

Colonel Barttelot.
Sir Edward Manningham Buller.
Lord Eustace Cecil.
Mr. Hardcastle.
Mr. More.
Major Parker.
Mr. Arthur Peel.
Mr. Read.
Mr. Henry Surtees.

COLONEL BARTTELOT, IN THE CHAIR.

Mr. MANNING PRENTICE, called in; and Examined.

Mr. *M. Prentice.*

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879. *Chairman.*] I BELIEVE you are a member of the firm of Thomas Prentice and Company? —I am.

880. Of Stowmarket, in the county of Suffolk?—Yes.

881. I think your business is that of a maltster and merchant?—It is.

882. And I think you have been brought up to that business all your life?—Yes; I have been in it nearly all my life.

883. Yours is a large business, is it not?—Yes; it is rather extensive.

884. You malt about 30,000 quarters a-year, do you not?—Yes.

885. Will you tell me where you generally buy your barley?—I buy it generally in the county of Suffolk, and the borders of Norfolk.

886. Do you, generally speaking, buy the best qualities of barley you can find in those markets? —We have not gone for the very best qualities of late years, because of the strong demand there has been in Burton ales; the Burton people have given a higher price than we could afford for the very best, but we have made what we consider first-class malt.

887. It is not made from what we should call grinding barley; it is made from the best malting barley?—Yes, it is.

888. Will you explain to me your system of malting from the commencement to the finish, after you have purchased your barley and got it home?—We steep the barley generally 50 hours; it depends upon the quality of the barley whether any more time should be given, but it is generally steeped 50 hours.

889. Does inferior barley require steeping for a longer time than the best barley?—Yes; what I mean by inferior barley requires explanation; there are some barleys that would be called inferior because they are stained by water, and which require generally less time than other barleys do; but there are barleys very hard or steely, which require more time than even the best barleys.

890. You steep it 50 hours generally?—Yes; it is then put into the couch, according to the requirements of the law, and it lies on the malting floor for from 10 to 13 days; but that also is dependent upon the quality, whether it is tender or rather steely barley.

891. It remains on the malting floors from 10 to 13 days?—Yes, it is then put upon the kiln; in my own case I dry in halves, that is, half at a time; therefore I put the first half of it on rathe early and dry off in two days, and the remaining half which is kept back is dry in the nex two days, many people dry in three or four day the whole at a time.

892. What quantity do you generally malt a a time?—The houses vary in size; the smalles house that I have wets 20 quarters, and th largest house I have wets 120 quarters at time.

893. Then what happens?—It is thrown o the kiln and screened ready for sale.

894. What time of the year do you generall malt?—We generally commence in October, an we slacken or wet less, so as not to have an malt on the upper floors, under the roof expose to the sun at the beginning of April, and w finish wetting by the end of April, so that all dried off about the middle of May.

895. When is your greatest delivery of malt —The delivery of malt is through the maltin season, and it generally lasts down to Augus and September; the sales are generally mad during the season as it is called, but the d liveries are delayed for the convenience of t brewers; they take the malt as it is require during the summer months.

896. Will you give us some little informati as to the duty; when are you called upon to pa the duty; after the exciseman has gauged you malt?—The excise rounds are every six week and we pay in six weeks from the making up the accounts.

897. You commence in October, and you fini in April?—We do.

898. The rounds commence six weeks after y begin malting, and finish at the end of April? They do.

899. And six weeks after the end of Ap you begin to pay your duty?—It is six wee after the first round; it is 12 weeks after t first is wetted, and six weeks after the last wetted, being an average of nine weeks al gether; it is, practically, six weeks upon t made malt after it is finished.

900. That is the largest credit you get?—Y that is the longest, except the extension on t last two rounds during the season; there is special regulation with regard to the extensi during the last two rounds, that, by the payme of 3¼ per cent., we have an extra 12 weeks half of the two last rounds.

901. Are not the regulations of the Exc

ve

y strict in the malting trade ?—Yes, they are
ct.

02. Do they seriously interfere with your
edom of action in the quality of barley you
, or in the process of malting the barley ?—
ey do not interfere at all with the quality of
barley; there is no serious inconvenience felt
ler that head.

03. Do not misunderstand me; I mean, does
strictness of the regulations seriously inter-
with the quality of the barley you buy or
he process of malting the barley ?—Upon the
cess of malting, I have this thought on my
d, that supposing the malt tax were repealed
lay, there would be a fertility of invention for
better manufacture of malt, which there is
now; because if any one thinks of trying
eriments, he would be so interfered with by
Excise regulations that he would find diffi-
ty in carrying out his views; except in that
ticular way, I am not aware that it inter-
s with our business.

04. Do not the regulations in effect prevent
r using any but one quality of barley, that is,
t classed as malting barley ?—No, they do not
ny way.

05. If there were no malt tax, would you
often malt what is classed as grinding bar-
?—No; it only affects the price. It is like
ting the price upon the raw article; it does
make the quality for malting purposes dif-
nt.

06. But the question I wish to put to you is
: supposing the malt tax repealed, should
not be inclined to buy the inferior quality
arley, which is called grinding barley now,
not malting barley ?—No; I do not think
it would make any difference.

07. Although grinding barley may not make
ine malt as malting barley, would it not make
d malt from which good beer could be brewed,
a as labouring people could buy, and which
ld be useful also for the feeding of cattle,
for other purposes ?—I think there is a mis-
rehension in the use of the words "grinding
ey." Grinding barley is understood to be
ey which is very thin, and which has very
e in it, or which has been heated, or some-
t spoiled for the purposes of malting under
circumstances whatever. There are quali-
of barley which are just a shade better than
grinding barley, which are used for distilling
or malting, according as the value of dis-
ng grain may happen to be at the time. For
ance, the distillers are using maize now; for
last year or two they have had scarcely any
glish barley sent to them, because they have
n able to buy maize or rye, or Black Sea
ey, at a cheaper price.

08. Therefore, malting barley is always sold
a much higher price than the grinding bar-
?—Not always; it has been very nearly
al this year.

09. The barley which you describe as grinding
ey is too thin ?—From the excessive dear-
of feeding stuff, we have sold our screenings
n the malting barley at a price per cwt. very
ly equal to the price of ordinary malting
ey this year.

10. Mr. *Read.*] That is the exception, and
the rule ?—It is the exception.

11. *Chairman.*] This year may be a peculiar
r; but what is the average difference between
two qualities, the malting and the grinding
ey ?—The average quality of malting barley
57.

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being 40 *s.*, you might say, I should think, about 4 *s.* or 5 *s.* less for the grinding qualities.

912. You are not speaking of the very best qualities of barley ?—No; I am taking the average.

913. If the average of malting barley were 40 *s.*, you would put grinding barley at from 35 *s.* to 36 *s.* ?—Yes, I would.

914. Mr. *Read.*] Does that extend over some years, or is it only for the last three years ?—I speak now of the average of years; this year grinding barley has been very near the price of malting barley.

915. *Chairman.*] Supposing the malt tax were repealed, what effect would it have upon the better class of barley; would it increase or reduce its price ?—I am inclined to think it would reduce its price rather than increase it; another question then arises which is pertinent to the present inquiry, and that is, the licensing system for the sale of beer throughout the kingdom. But my answer to the last question depends upon the increased or decreased consumption consequent upon the repeal of the malt tax, and the supposed lowering of the price of beer. I see that the mind of those who have thought about the repeal of the malt tax, has gone very much upon the question of the increased consumption from a reduced price consequent upon the repeal of the tax. One great cause of the high price of beer is the heavy expense to which the brewer is necessarily put in the conduct of his business, through the present state of the licensing system, which expense must be charged to the public. Now, my impression is, that if beer could be sold like bread, over the counter, not to be drunk on the premises, as we understand it, but to be just as freely sold as bread through the kingdom, the consumption would be enormously increased, the price, of course, being less; and I also think that, quite independent of the repeal or the non-repeal of the malt tax, that would be the case, and consequently, the price of barley would be raised. But, of course, if the malt tax were repealed it would be so much the more so; we should in that event, accomplish two objects; first, we should get a cheaper article for the people, and next we should get rid of the beer-shops, which are the curse of our country.

916. If I understand you rightly, supposing the malt tax were repealed and the licensing system altered, the price of the best malting barley would be increased, as would also, I presume, the grinding barley ?—Grinding barley does not depend upon malting barley; malting barley depends much more upon grinding barley than grinding barley depends upon the malting barley, because there are other substitutes for grinding barley.

917. If the malt tax were repealed, and the licensing system altered, beer would be made from malt, and from malt alone ?—Do you mean instead of sugar?

918. Yes ?—I am not so sure now; two years ago I should have said yes to that question. I think people have now got too much the taste of sugar for that to be the case.

919. Supposing the malt tax were repealed; would it enable you to make alterations in the manufacture of malt, which you cannot now make ?—Only in the way I suggest, by possibly some inventions for better processes and better manipulation.

920. I suppose malting, like every other busi-

ness,

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ness, is liable to be improved upon; and, if you were not restricted by the excise regulations, you would endeavour to improve it?—Most likely we should.

921. Supposing such alterations were made, would it enable you profitably to malt qualities of barleys which you cannot malt now?—I do not think so.

922. Would such alterations as you think might be made, tend to reduce the cost of its manufacture?—I think it would not materially reduce it, unless we found that we could use machinery.

923. Have you to give notice of every operation in your trade to the officer of excise?—Yes.

924. Has he a key of your premises?—He has.

925. Can he enter those premises at any hour of the day or night, without your knowledge or consent?—He can enter anywhere where the manufacture is going on under his surveillance; but not into the malt stores.

926. Is it the fact that an officer of excise could ruin any maltster, if he chose to do so, by calling upon him to comply strictly with the excise regulations?—The Board of Excise would not allow any great interference; they would attend at once to any remonstrance. I presume the question refers to some person who would wish to take advantage of every point of law, and to burden the trader and annoy him?

927. Yes, that is what I refer to?—We have had to do with such excisemen, and have been very much annoyed, and have remonstrated, and had them called to order.

928. But such is the state of the law, that the men might annoy you very much indeed by imposing upon you all the regulations sanctioned by the law?—They cannot enforce them; they can cause a little trouble merely.

929. Then in fact you evade the law now?—No; there is a rendering of the law for the just and the unjust trader.

930. What I mean is this, that if the law were acted upon up to its very letter, it would so hamper you in your operations that you would not be able to perform them?—No; I think it would not interfere with us to any material extent; carrying out the law everywhere with everybody would not interfere with us.

931. Has not the number of maltsters decreased within the last few years?—I do not know the numbers; I should suppose that the number has decreased.

932. Has the number decreased within the last 20 years?—I should expect to find, by referring to the returns, that the number had decreased, and that the maltsters had generally become larger maltsters; the small ones having gone to the wall.

933. Do you attribute the decrease to the regulations and restrictions of the Excise?—Not at all.

934. To what do you attribute that decrease?—To the general spirit of trade which has been manifested throughout our country during the last 20 years, and the advance of trade generally; larger men making larger businesses.

935. The want of capital and the rigorous exaction of the duty?—No; the putting more capital into their businesses.

936. Do you attribute the decrease to the want of capital on the part of small maltsters?—I attribute it in this instance to the fact that the
more spirited men make the larger businesses
every line; and so in the malting business.

937. Has not the practical effect of this
crease in the number of maltsters been to produ
monopoly in the manufacture of malt; has
the manufacture of malt got into so few ha
that it is virtually a monopoly?—It is not by a
means a monopoly. It is in fewer hands; b
the present maltsters are larger men. It is
more a monopoly than a large boot maker
Norwich can be said to have a monopoly. I
is a parallel case to that of a large maltster.

938. You have a small boot maker in a cou
try town, but you have not a small maltster?
The small maltster is selling side by side w
us.

939. Then our returns are not correct, b
cause according to them the decrease is m
remarkable?—I should suppose there is a gre
decrease, but the little retail maltster is s
existing.

940. But to a very small extent; take yo
immediate neighbourhood of Stowmarket, h
many are there there?—There are some f
or six men who are making small quantities
retailers.

941. They are outside the town in the villag
—Some are outside, and some inside the town

942. Is there not an increase in the bulk
grain during the manufacture of malt?—In
wet process, do you mean?

943. No, after it is finished.—It depends
tirely upon the plan pursued.

944. Will not eight bushels of barley prod
more than eight bushels of malt?—Scarely
more; a little more.

945. What is the amount of increase per cen
—We sometimes find one per cent. or one and
half decrease; and we sometimes find one
cent. increase. Where malt is made on a differ
plan, I believe they get more than that per ce
age of increase.

946. The "Encyclopœdia Britannica" says t
100 bushels of English barley will produce
bushels of malt?—That is nine per cent.

947. And other people put it at 12½ per cen
we want to know whether these statements
correct or not; in your malting experience
Suffolk is that the case?—No, it is not
case.

948. Could you say what increase in b
there will be in 100 bushels of barley when c
verted into malt?—In Suffolk the increase wo
not be more than 1 to 1½ per cent.

949. What is the cost of malting a quarte
barley, including the rent of your premises,
terest on your capital, and your plant?—I sho
think about 3 *s.* 6 *d.* a quarter.

950. Does not the existence of the malt
compel you to have a much larger capital
ployed in your business than you would requ
if there was no such tax?—It depends enti
upon the method of selling the malt.

951. Will you kindly explain what you m
by that?—Supposing a man makes his malt
quickly, and as quickly as possible sells and
livers it, and turns it into cash, he would requ
less money in his business, whether there wa
malt tax or not; but if he sells the malt for p
ment after delivery, and holds it during
summer months, there is more capital requ
in his business than if there was no malt tax.

952. Which is your principle of the two
Sometimes one, and sometimes the other. I
according to whichever we think will best pay

953. W

53. What is the general custom in Suffolk
ı the large brewers particularly; is it their
tom to pay on delivery or after a certain
e ?—The custom of the brewers is to pay so
ıy months after sale generally, whether de-
red or not. If the malt is sold in the market
cash is payable three months from the time
sale.

54. I do not quite understand you: supposing
malt tax was repealed, you would require less
ital to carry on your business if you had a
k sale and turned your money over quickly?
upposing I wanted to finance, and had as little
ey in my business as possible, I could sell
malt immediately it was made; and I could
advances upon the malt made, and thereby
into my pocket a certain amount of cash for
duty that I had not yet paid to the Excise.
s a very small affair, but it is an answer to
r question.

55. If you had not to pay the duty upon the
t, you would keep the money in your pocket
ead of paying the duty?—I should get it in
pocket a fortnight before I paid it.

56. But you would get it into your pocket
gether if you had not to pay the duty?—No;
hould get the price of my barley plus my
enses and my profit; but if there is the duty
, I have the barley plus the duty and the
enses and profit.

57. Sir *Edward M. Buller.*] In point of fact
say that less capital is required with the malt
than without the malt tax, provided the re-
is are rapid?—Yes.

58. It is decidedly an advantage to a small
talist to have the malt tax to pay if he gets
returns sufficiently quick?—It used to be a
ded advantage, but now there is scarcely time
nake that advantage available.

59. *Chairman.*] Is it not the fact now that
never get that advantage?—We get it at the
of the season by paying 3½ per cent.

60. But as a rule, with regard to your
ness, you do not get that advantage by the
kness of your return?—It is got, but not to
extent it used to be got.

61. What capital would be required in the
of a maltster making 10,000 quarters of
t in a year?—It depends very much upon
ther he is his own landlord.

62. Supposing a man goes into business, and
es 10,000 quarters of malt a year, what
tal would he require to have invested?—If
is his own landlord, it makes a great dif-
nce.

63. Supposing he rents his premises?—I
uld think 4,000 *l.* would be sufficient. I speak
ler correction; but he would be able to turn
money round and work it. I am supposing
t you ask the question, what he must have
vork his business pretty closely. Of course,
ie was going to hold the malt, he would want
h more money; but if he is going to work
kly for small profits and quick returns, that
ıld be about sufficient.

64. If the malt tax were repealed, what
tal would the same maltster require?—
re is not much difference; the same maltster
ıld require rather more than less, working
ply.

65. Then this statement would not be correct,
t a maltster making 10,000 quarters of malt a
r, would require with the tax 20,000 *l.*, and
hout the tax 10,000 *l.* to work his business?—
it is not correct.

.57.

966. You would call it an exaggerated statement?—I should say it was taken on a different basis from that upon which business is usually conducted. I should not say that it was an exaggerated statement, because I could draw out a business which would require it, and I could draw out a business which would not require half of it.

967. Will you explain the difference between the two businesses?—The person who is making for the market quickly and selling, so that he can get advances quickly, does not want that capital; but the man who quietly makes for the season and sells the malt to his friend the brewer, and waits for the money, would want that amount to conduct his business.

968. That is not an exaggerated statement for the man who has to wait for his return?—The calculation is exaggerated; I should rather put 10,000 *l.* and 15,000 *l.* instead of 10,000 *l.* and 20,000 *l.*

969. Who is to pay the additional interest on the capital required; has the brewer to pay it?—The maltster has to pay it.

970. And the brewer has to repay him?—If they choose to arrange so.

971. That of course must increase the price of beer?—No; supposing he borrowed the money on mortgage, there would be 4 per cent. instead of 3¼?

972. The man who requires 20,000 *l.* for his business cannot afford to sell his malt at the same price as the man who only requires 4,000 *l.*?—He must be repaid his interest, and he must charge it, therefore, to the brewer; and the brewer is willing to pay because he saves his own interest.

973. The public must pay it upon the beer?—It is as broad as it is long; some one must pay it; the public does not pay it one way more than the other. It is a question who shall advance the money; whether the maltster shall find it out of his own pocket, or whether he shall borrow it from the Excise, or whether the brewer shall find the money; the public is not interested in it at all.

974. Is it or is it not your opinion that if the malt tax were repealed, the increase in bulk would pay for the cost of malting; that is to say, could the maltster receive a quarter of barley and return a quarter of malt without charge?—No more then than now. If the malt tax were repealed, it would make no difference in that respect that I know of.

975. Do you know anything of Mr. Gladstone's Bill, the Malt by Weight Bill?—Yes.

976. Have you any experience of that?—I have.

977. What is your experience of the working of that Bill; have you found it answer?—Yes, rather unexpectedly. We believed that it was made for those who grow the lighter kind of barley in the west of England. It so happens that the very first season it came into operation, it was of great use to us, because a great deal of barley had been exposed to the weather, and was rendered much lighter than the usual average weight, and consequently we were glad to avail ourselves of the make by weight.

978. Did you do it extensively?—Rather more than a quarter of my make was made under weight.

979. Mr. *Read.*] When was that?—Two or three years ago; I forget exactly when. I think it was in 1866.

980. *Chairman.*

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980. *Chairman.*] You think that the Bill was an advantage to the maltster?—Decidedly.

981. Do you malt any foreign barley?—Yes, occasionally.

982. Can you malt that by that method?—Some kinds, but not others.

983. Is foreign barley generally as heavy as the English barley?—It is as variable as the English. We get some heavier and some about the same as our usual standard.

984. Do you generally get it over in pretty good order?—Not always, but generally we do. I may say at once that the Danish barley does not come in in uniformly good order, but the Saale barley always comes in good order.

985. Does the French barley come in good order?—Yes, generally.

986. Does the Oderbruck, the German barley, come in good order?—Sometimes in good order. The Bavarian barley comes in good order, and the Swedish barley generally comes in good order, and all those we have malted at different times.

987. You mean that it is heated when you say it is in bad order?—I should not use so bad a word as "heated;" it has got a slight warmth in the vessel, and is not so fresh and sweet as our home barley, and consequently does not malt so well.

988. What do you do with that class of barley; do you mix it with English barley, or do you use it by itself?—It depends upon circumstances; sometimes we make it into malt, and sell it as it is, and other times we mix it. Do you mean in malt or in the manufacture itself?

989. In the manufacture?—Sometimes we malt part and part; we find them assist each other.

990. You know nothing, I suppose, of the other Bill of Mr. Gladstone's?—No, not much.

991. Do you know anything of Gladstone's mixture?—It is practically inoperative with us; it was found that there was no use for that kind of food, and it was discontinued.

992. How does foreign malt stand the voyage?—We have often shipped quantities of malt from Ipswich to Dublin, Liverpool, &c., and never had any damage done to it; whereas barley shipped to the West of England and Wexford sometimes gets out of condition.

993. Mr. *Read.*] Is it shipped in bulk or bags?—Both; it is shipped in bulk. I call your attention to that point, because I have noticed a misapprehension in the minds of some people with reference to the idea that malt could not be shipped from foreign countries; my impression is, that if the malt tax was repealed, there would be a large make of malt on the banks of the Rhine, and also in Pomerania and Denmark, which would come direct to the markets in London, Yorkshire, and Liverpool for sale.

994. *Chairman.*] That is to say, supposing they could make it as well as the malt is made here?—There is no doubt that we should be able to go over there and make it ourselves.

995. Do you know anything of the malt exported to Australia?—Yes; I do.

996. I believe large quantities of malt are exported to Australia?—That is so.

997. Where is it sent from generally?—A good deal is sent from London.

998. Do you know at all the price of malt in Australia?—It is very variable.

999. What does the freight cost?—It is 50 *s.* and 60 *s.* a ton, which consists of about 8 quarters, if I remember rightly.

1000. Which would be the cheapest there, beer sent out brewed, or beer brewed there?—I should think beer brewed there would be the cheapest.

1001. Sir *Edward M. Buller.*] Can you tel us what the difference would be between the present price of malt, and the price it would be supposing the duty were repealed?—The present price of fine malt is 72 *s.*

1002. Have you formed any opinion what the difference in the price would be, if the malt tax were repealed?—I presume the difference of the duty; it would be about 51 *s.*

1003. Do not you, inasmuch as you pay the duty, charge a profit upon it?—We ought to do so, but practically, we do not get it.

1004. You would, if you could?—Yes; most decidedly.

1005. It is your opinion that the difference between the price of malt now, and the price of malt after the repeal of the duty, would be no more than the difference of the duty itself?—It partly depends upon the extension of the demand for the sale of beer in connection with the licensing system; I should think there would probably be a larger demand upon a repeal of the duty.

1006. I am talking of the expenses that you incur, and your profits; I am not speaking of any increase in price that might arise from an increased demand; I want to ascertain your opinion as to whether the duty does not enhance the price over and above the duty, as you have to pay interest upon the money, or to derive a profit from the money which you employ in paying the duty, just as you derive a profit from the money you employ in buying the malt?—I do not think it would make any appreciable difference.

1007. Do not you expect to make the same interest for your capital, whether you employ it in the purchase of malt, or whether you employ it in the other expenses of your trade?—I suppose, in the long run, it would come very much to a question of employment of capital, in labour, expense, and so on; but practically it resolves itself into a question of so much per quarter profit.

1008. That includes all the expense of producing a quarter of malt?—Whether we sell the malt at 56 *s.*, as we sometimes have, or whether we have to take 72 *s.* as now; we do not generally get much difference in the profit; the profit is dependent upon other things than the exact cost of the materials; we sometimes get a much larger profit on a smaller priced than a larger priced article. It is according to the state of trade; this year, for instance, the profit has been almost nil, and the price has been high, that is in consequence of the stagnation of trade, and the short demand for beer, and the dullness in buying.

1009. You do not go so far as to say that the price entirely depends upon other circumstances, and not upon the expense of making the malt?—Yes; I do say that the price depends entirely upon other circumstances, and not upon the cost of making the malt. The cost of making is the same one year as another, within a very little.

1010. Do you mean to say that in the long run, if the expense of making a quarter of barley into malt was 8 *s.* additional, that would make no difference in the price at which you could sell the malt?—There would be a difference of price, but not a difference of profit;

we

hould simply pass it on ; we are charged less,
we charge less, or we are charged more, and
harge more.

11–12. Then it appears that the price de-
s upon the entire cost of converting barley
malt?—Whether that is 56 *s.* or 72 *s.*, our
t is not much influenced by it, except in this
that the higher price may check the con-
tion, and lessen the demand.

13. Do you calculate upon a certain regular
t under all circumstances ?—We like to get
ut we do not get it.

14. But you do calculate upon an average?
es.

15. Will you tell us what is the average
t upon the malting business ?—That is rather
icult question to answer.

16. You get so much per cent. ?—No ; it is
o much per cent. ; it is so much per quarter.
y mention that from 2 *s.* to 2 *s.* 6 *d.* a
ter is reckoned a very good profit for the
n.

17. Then how much would your expenses
–We put them at about 3 *s.* 6 *d.* just

18. And what would the barley cost you?—
variable ; call it 40 *s.*, for the sake of an
sum. The duty is 21 *s.* 8 *d.* That makes
8 *d.* in the malthouse.

19. And you get, usually, 72 *s.*; that would
you a very much higher profit than 3 *s.* 6 *d.*?
u have put the price of the malt in one
house. But supposing we send it to Liver-
and pay 5 *s.* expenses, you will not see
profit on 72 *s.* Suppose we send it to
lon, and pay 2 *s.* 6 *d.* expenses, you will
see much profit then. That has been
ed.

20. I should deduct that from the price at
h you deliver it from your own malthouse?
is never sold in that way. I was asked the
tion what the value of the malt was ; and I
ered that the known value was 72 *s.* in
lon. I take the prices of 40 *s.* for the barley
he moment; but the barley would probably
43 *s.* or 44 *s.*

21. Could not you tell us (no matter what
nt you employ in the trade) what would be
amount per cent. that 1,000 *l.* employed in
nalting business ought to return ?—I have
he calculation, at the moment, in my mind;
I said that 4,000 *l.* would manage a 10,000
ters business ; so that we can soon see. A
ess worked sharply with a capital like that
d return 20 per cent. fully ; but if a person
his own landlord, and had his capital more
loyed for holding stock, he would not get
a per-centage as that ; but probably he
ld get from 15 to 20 per cent.

22. Surely it would make no difference in
lating the profits whether a man is his own
lord or renting, because he would charge to
usiness the rental value of his premises ?—
akes all the difference.

23. Surely that would be the proper way of
ating the transaction ?—If you estimate that,
reduce the per-centage. He would pro-
y get 15 per cent. for his money.

24. You think that 15 per cent. would be
would probably be made in the malting
ness?—Yes.

25. Are you not aware that maltsters in the
try are in the habit of taking barley and re-
ning it as malt ?—Yes ; I have understood
people could make malt for nothing ; that is, they take the barley and send back the malt, charging nothing; but where we are making malt for the brewers, and testing the quality of the malt, that is not practicable with our quality of barley.

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1026. There is a common practice, is there not, amongst maltsters, of taking barley and returning the same number of bushels of malt, paying themselves by the outcost, adding only the expense of the duty ?—I think I must not answer the question, because I am not conversant with it at all. I have merely heard that such things have been done. Perhaps other maltsters will say that there is a larger increase than I have mentioned, but that depends upon the quality of the barley; and you will, therefore, find my evidence contradicted by a gentleman from another district where there is a different quality of barley, and where they are able, from the strength of the barley, to work it in a different way to what the barleys of Norfolk and Suffolk can be worked; that is, to get a greater quantity of produce to the brewer out of a smaller quantity of barley. We cannot get any greater increase worth speaking of.

1027. Mr. *Read.*] Does it depend upon the quality of the barley as much as upon the mode in which you manufacture the malt ?—It depends upon both, arising from the difference of barley.

1028. Major *Parker.*] At what price do you sell the screenings of barley ?—It varies from 2 *s.* 6 *d.* a sack to 4 *s.* 6 *d.* or 5 *s.* occasionally.

1029. How much barley would produce a sack of screenings ?—I do not remember the proportions; but as a practical business fact, we set off the profit on the screenings against the other sundry expenses connected with the trade.

1030. I think you say that you malt about 30,000 quarters of barley a year ?—Yes.

1031. Do you remember what the value of the screenings per year is from your firm ?—It is not regular; some years it is more and some years it is less, with regard to quantity, and some years it is much more with regard to value. I should think the average would be somewhere about 500 *l.* or 600 *l.* I speak under correction, but I should think about that.

1032. I think you have already said that there is about 1½ per cent. increase upon converting barley into malt ?—Some people get it; we do not get it.

1033. I think you observed that you would not malt that which is called grinding barley were the malt tax repealed; did you mean that? —I meant what is understood by grinding barley, that which is not suitable for malting, because it is so very thin, or has been partially heated, or is sometimes interfered with in its quality by some exceptional circumstances.

1034. You are probably aware that it not unfrequently is an observation that escapes the buyer of barley in our heavy land district, "this is not quite malting barley," and yet it is frequently purchased ?—Yes; and last year some of our malting friends said there would not be enough malting barley; that there was some inferior barley; but I said at harvest time it will all be made into malt, and so it was.

1035. What I wished to call your attention to was the remark you made, that in the event of the malt tax being repealed, that description of barley would not be malted more than it is at present ?—I do not see why the reduction of duty should make any difference in that respect.

1036. And

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1036. And you do not think it would?—I do not.

1337. You yourself would not buy any more?—I do not think I should buy any more.

1038. When you speak of the advantages which in your opinion would accrue to the poorer classes if beer were, like bread, sold over the counter, do you not think it would have the effect of accelerating that desirable process by enabling those who pleased to brew, if the malt tax were repealed; and would it not enable the poor (of whom you have spoken so feelingly), to enjoy that beverage to a greater extent than at present?—No, I do not think so; you mean, I presume, supposing the licensing system pursued as at present, would the repeal of the malt tax bring that desirable thing about, and I say no.

1039. Do you think it would if the licensing system were altered?—I think it would come about then, apart from the malt tax being repealed; I do not think it depends upon the malt tax either way.

1040. I think you said you think it would be very desirable, and would tend to add to the sobriety and the morality of the people, if they could get a good description of beer in the way to which you refer, that is, like selling bread across the counter?—I believe it would; but I put in concurrently the withdrawal of the licenses for the sale of beer on the premises; the two together I think would.

1041. Mr. *Henry Surtees.*] Is there not more saccharine matter in the best barley than in the inferior barley?—Yes, there is.

1042. Therefore the malt duty being the same per quarter on both qualities, would not the malt duty press more heavily on the inferior malting barleys than on the best?—It is very little; it is not calculable; the per-centage is supposed to be five, six, or seven per cent., therefore it would only be that proportion of the tax pressing differently.

1043. In a large business, would not 5, 6, or 7 per cent. have a considerable influence in determining the quality of barley the maltster would buy?—No; because it does not affect the maltster who malts it; he has got his chances whether the brewer finds it out from his own view of the sample, or whether he will wait and find it out in the mash tub. I may say in reference to a question put to me, that by a proper management of what would be called inferior barleys, such as we had the year before last, there can be got as much saccharine matter from them as from some of the better sorts.

1044. As much saccharine matter can be got from the inferior barleys by judicious management as can be got from the best barleys by judicious management?—Yes, it may seem paradoxical, but allow me to explain it. In order to bring to ripeness the best barleys, a longer time is taken upon the floors and the rootlets expend more of the grain in order to make the grape sugar for the brewers. Another kind of barley, costing much less money, by judicious management upon the floor, with less rootlets and less waste, therefore, and dried off carefully, will generally yield as much saccharine matter when it comes into the brewers' hands, although originally there was more saccharine matter in one kernel of barley than in the other.

1045. Do you take the colour of the barley into consideration?—Not in counting the saccharine at all.

1046. You do not judge from the colour what may probably be the amount of saccharine m ter in the barley?—Only as the colour is index of the quantity of washing from rain, a the consequent decrease of weight. As far as indicates that, we should regard it.

1047. May not barley very often be plump a heavy though it is discoloured?—Yes; and ve often it makes very fine malt indeed, and running beers it is just as valuable to the brewe but for stock ales it is not so valuable, becau the probability is, that in the midst of the stain there would be some few kernels sprout in the malt, and this would give a flavour wh they would not like to risk having in ales wh are to be kept for any length of time.

1048. It would probably become mouldy up the floor?—Yes.

1048*. Have you generally to pay the m duty before you are paid for the malt you se —Sometimes it is so, and sometimes it is not.

1049. What is the custom generally in t trade respecting the time for payment of t malt?—There are some who make a practice selling their malt late, and therefore they are o of pocket. There are others who make a pra tice of selling early, and therefore they are n out of pocket.

1050. But as to the general custom, what it?—It is very divided, there is no general cu tom; but there are some men who almost alwa do one, and some men who almost always do t other.

1051. Do you have any transactions with t large brewers in London?—Yes.

1052. Do you know what their custom is?—Yes, their custom is to take four months.

1053. Do they give bills at four months?—No.

1054. They do not give bills, but they unde take to pay at the expiration of four months?—As a rule they do not give bills.

1055. Though the large London brewers gen rally pay at the end of the four months, th maltsters would have to pay the duty on th malt supplied to them some weeks before that?—Yes.

1056. And, then, to the extent of the duty th maltster would have to find capital for the di ference between the duty on the malt, whic you said on the average was about eight wee and four months?—Yes, supposing the sal were made at the same time as the malt wa made.

1057. Do you know if much foreign ma comes into this country?—None.

1058. Do you know why not?—The charg for duty is too high.

1059. What is it?—Twenty-five shillings.

1060. Twenty-five shillings; the duty in th country is 21 *s.* 8*d.*?—Yes.

1061. Is that a difference of 3 *s.* 4 *d.* in add tion to the 21 *s*, 8*d.*?—Yes.

1062. You think that is the reason why foreig malt is not sent to this country?—I think it w just sufficiently high to keep it abroad.

1063. With reference to the 3 *s.* 4*d.*, do y know why that difference exists?—It would rather hard to give an explanation of the 3 *s.* 4*d* 1 *s.* is the duty on the foreign barley.

1064. *Chairman.*] Is it not the fact th foreign malt can remain in bond, and the du need not be paid for some considerable time?— believe that is the fact.

1065. And therefore, in effect the duty is n really heavier than having to pay the duty y no

have at home, so very shortly after the
t is made?—It makes a difference; it leaves
4 *d.* margin for interest on the duty.
)66. You can let it remain in bond as long
ou please?—I do not know the regulations
n that.
)67. Mr. *Henry Surtees.*] You do not know
the charges need not be paid till the malt is
n out of bond?—I do not know what the
ılations are as to the time; I know it might
onded.
)68. Is it not the case that the 3 *s.* 4 *d.* was
blished in a great measure to compensate
malster for the disadvantages which he
urs under in the restrictions of the excise?—
ink it might be called that or anything else;
member at the time it was proposed to put it
4 *s.*, another 1 *s.* was added, because it did
seem desirable that foreign malt should
e; I think in the evidence you had last
, there was the absence of an important item
he question of 3 *s.* 4 *d.*; assuming the rent
ld be the same abroad as here, you have this
member, that the labour would be less; the
rence between sending the malt to the malt
ses here and sending it direct to where it is
ired, gives 9½ *d.* in favour of the cost of the
ign malt coming here; therefore it needed
e protection.
)69. Why should not malt be made on the
tinent now, as readily as if the malt tax were
aled?—There is no temptation to go over
e, while it remains at 25 *s.*
)70. The malt tax being repealed, of course
he restrictions would be removed from the
ster, and he would be in a better position for
ing malt than he is in now; that is, assuming
the 3 *s.* 4 *d.* represents the disadvantages of
malster, owing to the restrictions?—If it
esented it, but it does not represent it at all
ny extent; I do not think that the 3 *s.* 4 *d.*
put on as a set-off against any ill effect of
Excise regulations; I think they were glad of
thing as the reason to put it on.
)71. Mr. *Read.*] Who do you mean by
ey"?—The Government of the day.
)72. Are you not aware that at that time
Bass and a great number of other brewers
maltsters considered that we should have a
large importation of foreign malt?—I do
remember.
)73. Did Mr. Bass make a statement in the
ıse, that he considered there would be a very
e importation of malt from Hamburgh and
r places?—I do not remember the fact, but
member believing that it would be so.
074. And your belief was groundless?—The
has prevented the idea being entertained.
075. But when the 25 *s.* was imposed on the
ign malt, are you not aware that a great
y maltsters considered that if the 25 *s.* were
sed, there would be a large importation of
ign malt?—I am not aware that any one
ght so. I do not remember having it before

)76. Does the malt break very much by
sit in bulk?—Not at all.
)77. Do you steep all your barley about 50
s?—Yes, except when we have such tender
ey, from having been already wetted in the
, as to make it undesirable, then we steep it
ıort a time as 40 hours.
)78. What is the limit allowed by law?—I
ıot know that we can steep for less than 40

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hours. I do not know what the limit is. I have steeped 70 hours.

1079. You practically disregard the limit imposed by law?—Yes.

1080. Did I understand you to say that the maltster who could make 10,000 quarters would require a capital of 4,000 *l.*?—Independently of the premises.

1081. If he were to make 10,000 quarters of malt and sell it at 2 *s.* 6 *d.* a quarter profit, that would be 1,250 *l.* profit?—It would be so.

1082. That would be something like 33 per cent.?—Yes.

1083. You must consider it to be rather a lucrative business?—If he were working sharply he would not get that. His 4,000 *l.* would require him to take less profit. He would probably be content with 1 *s.* 6 *d.*, and would be glad to get it.

1084. If the man who employed 20,000 *l.* in his business made the same quantity of malt as we heard from the Honourable Chairman, he would not get above six per cent.?—I do not know such a man.

1085. Have you had any experience, or do you know anything about brewing from sugar; is it on the increase?—I should think that it is on the increase.

1086. Have you experienced any difficulty at all in selling malt in consequence of the use of sugar?—I presume we have; we have heard many times that they were using so much sugar that they did not require our malt.

1087. Do you think that increase will progress?—I rather think it will; of course, depending upon the relative prices of sugar and malt.

1088. Therefore if malt is dear you expect a larger consumption of sugar in brewing?—Yes.

1089. They have an increased consumption of sugar for that purpose?—I believe they have.

1090. How many years ago was the credit shortened that the maltsters had?—I do not remember when it was.

1091. Five or six years ago?—I think so; I do not remember the date.

1092. When the credit was double what it is now, of course these small maltsters did in a measure trade with the capital of the Government?—Yes, decidedly.

1093. In the last two years almost all the barley we grew was made into malt?—All that was brought to market.

1094. All the marketable barley?—Nearly all the marketable barley, except when the farmers used it themselves instead of selling it.

1095. Do you consider that in the last two years the quality of the barley which we grew was bad or good on the whole?—There was a great variety in the year before last; an unusual variety; the largest variation we ever had.

1096. Some of it was very bad and some pretty good?—Some was very fine and some was poor, but not bad.

1097. Notwithstanding that being so, the whole of it was made into malt?—Yes, it was.

1098. Do you remember the fact that we have not had a good barley harvest for the last three years?—We have not had a large crop of remarkably fine barley for several years.

1099. Four years ago I sold some barley, weighing 52 lbs. per bushel, at 24 *s.* a quarter; would you consider that grinding barley; it was perfectly bright, but very steely?—I should require to see it.

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1100. You have told us that grinding barley you consider is either stained barley or very thin barley; this was heavy and bright, but very steely. If it had not been so I should not have sold it at that price?—In some districts it might be used, but that would depend upon the practice.

1101. Do not you think that if there was a repeal of the malt tax, such barley as that would be in bad years extensively used for brewing?—I do not see why it should be one way more than the other. I do not see what bearing the malt tax has upon that point.

1102. You do not seem to arrive at this fact, that when we have a very poor crop of barley, however inferior it may be, it is all used; and that, on the other hand, when we have a very prolific crop of barley, the same quality that would be used for brewing in a poor year, is not then used for that purpose?—The reason is, that there is plenty of the better class, and the man who prizes his business, and has any pride in his business, would wish to make the best article he could for his own credit's sake.

1103. You do not see that in those years the malt tax injuriously affects the price of those inferior barleys?—No, I do not see that.

1104. Do not you think that the malt tax, by increasing the price of barley, increases the price of malt, and militates very much against the storing of malt in a prolific year; take the crop four years ago, when we grew plenty of barley?—I believe the brewers then took a large stock, and held it, but the advanced price of the barley would certainly prevent maltsters keeping large quantities in store, unless they saw a great gain from it. It is a question simply of outlay and remuneration.

1105. I think you said there was no difference whatever between a small bootmaker and a small maltster?—I did not put it quite in that form, though it is so practically.

1106. There would be this difference, that the bootmaker has to pay nothing to the Government, and the maltster, if he carried on business in the usual way, would require much more capital than the bootmaker?—Yes, he requires more capital, of course, by the difference of the trade.

1107. When you say there are no small maltsters, I suppose there are plenty of small bakers and small millers about?—I said there were small maltsters.

1108. But you told us at the same time that they have very much decreased, and that the trade was generally in the hands of large capitalists?—They have not decreased to my knowledge round about us.

1109. We have a return from the Government, which shows that the maltsters do decrease; and I thought you said that you considered that the trade was in the hands of large capitalists generally?—I believe it has been working into that form for years.

1110. Then surely it must decrease the small maltsters?—I think it went earlier into that form in our district than in others, though I believe what you state is the fact, from the returns.

1111. But do the bakers and millers decrease in the same way?—Small millers decrease in the same way, decidedly.

1112. And bakers?—The same rule does not quite apply to bakers.

1113. Why should not the same rule apply to bakers as to maltsters?—I do not think it would answer, except in such places as London, have very large bakeries. We could not se the bread far, fresh and new; if we establishe large bakery in Stowmarket, we should ha difficulty in finding customers.

1114. Why should not there be a larg quantity of small maltsters?—I want to kn why there should be; it must arise the same any other business; a man who is carrying on, on a large scale, can do it more effectua and can sell rather cheaper, which is the case.

1115. You do not consider that the operat of the malt tax, which must increase the capi of the maltsters, has anything to do with l sening the number of small maltsters?—I shou think not. Of course, if the malt tax is pealed, there would be a revolution in the trac I do not know which way it would go; my impression is, that it would lead to grea concentration in fewer hands still, and that t larger maltsters would have to work for smal profits, the same as the milling trade has. think, that would practically be the effect of it.

1116. Mr. *Hardcastle.*] There was somethi said about the liability in the kernels of the ma to break, which was alleged as a reason why y should not introduce foreign malt; would it inju the quality of the malt if the kernels broke? My impression is, that they would not bre during the voyage; the malt being more brit than the barley, there would be a little waste the shipping.

1117. Would the malt be injured in qualit if there were a few kernels broken?—Not a preciably.

1118. Take the case of barley, supposing few kernels were broken in the barley, would n it produce mould?—It would seriously interfe with its quality for malting.

1119. Any objection that applies to malt wou apply much more strongly to barley?—Yes.

1120. With regard to the question about th small maltsters, you have been told that the has been a gradual diminution in their number —Yes, there has been.

1121. And I think I understood you to sa that there has been a tendency in all trades carry on those trades, more as wholesale tha retail?—Yes; that is so.

1122. Do not you think that another cause the diminution of small maltsters, is the fact the extension of the railway system?—I do.

1123. Your maltings are close to the railwa station?—Yes, they are.

1124. Is it not the case, that in Suffolk, No folk, and Essex, at almost every railway statio maltings have been built during the last fe years?—Yes, there have.

1125. And the persons who work those mal ings are generally men of ample capital, who a of course able to undersell the small villa maltsters, in consequence of having more exte sive means of carrying on their business?—Ye that is the case.

1126. Who are the customers of the sma maltsters?—The small maltsters depend for the profits upon their retail business, and they s their remnants which they cannot get off in r tail, at rather a low price to the larger maltste as best they can, to get rid of them.

1127. Is it not the case, that speaking of th counties with which you are acquainted, with the last 40 or 50 years, the public-houses ha come much more into the hands of brewe

th

n they were before; has there not been a tinual absorption by the brewers, of all the d public-houses?—There has.

128. Therefore publicans' brewing has much inished?—Yes; it has.

129. And were not those publicans the prinal customers of the small village maltsters?—resume they bought of them, and made malt mselves also.

130. I think you used the words "fertility of ention," and you said it was possible, if the lt tax were repealed, that the inventive faculty, ich is very strong in maltsters, would improve process?—I suggested that that was one ssible advantage of the repeal of the malt .

131. But is not the process of malting a ural process?—It is.

132. So that there would not be that same wer of improving what must be to some extent atural process that there would be to improve chinery?—Quite so.

1133. To return to the question of the small ltsters, I think you said something about bootkers; there was once a leather tax was there t?—I do not know; I dare say there was; ere has been a tax upon everything.

1134. That has been repealed at all events?—s, it has.

1135. Is it not the case that there are many re wholesale manufacturers of boots and shoes an there were in the time of the leather tax?—suppose so.

1136. That would therefore rather go to prove at to repeal the tax, would increase large facies, rather than to decrease them?—It might so.

1137. As to the large and small maltsters, ich do you consider make the best profits?—small man gets his double profits; he gets the ofit of the malt maker, and the further profit the retailer; he is more like a shopkeeper; he st necessarily get his double profit.

1138. Supposing him to sell in larger quantis, he would not get so much profit?—No; he uld not.

1139. Is there any more saccharine in malt hich has been run, than in the same malt supsing it not to be run?—I should say there as less saccharine from the same weight of rley.

1140. Therefore any maltster who desired to pply a good article, would guard as much as ssible against increase?—He would guard ainst increase from a tender barley, but from a ry stiff barley, such as that grown sometimes Yorkshire and Lancashire, he would find he ould get more saccharine by the more free ethod of working, and that more free system of orking would give a greater increase than ould be got from Suffolk and Norfolk barley.

1141. That free system is not interfered with the Excise?—It is not.

1142. Do you consider that the interference of e Excise has, practically speaking, any injurious fect upon your trade?—I do not think it has y injurious effect.

1143. As to the question of foreign malt, supsing it to be bonded, there would, of course, be considerable loss of interest upon the money r the time it remained in bond? — There ould.

1144. And there is one element in the price of reign malt which has not been referred to, that is the freight?—With regard to the freight of malt, it would be 25 per cent. less than the freight of barley.

1145. Why would the freight of malt be 25 per cent. less than the freight of barley?—Because six quaters are reckoned to a ton of barley, and eight to a ton of malt.

1146. The fact of the freight is one reason why foreign malt does not appear in the English market at present?—I do not think that is the reason.

1147. You do not consider that that is one element in the price of malt?—I put it in favour of foreign malt.

1148. In favour of foreign malt, supposing the malt tax repealed?—Yes.

1149. Is not that one reason why foreign malt does not appear in the English market; does not the freight act as a protection to the British maltster?—Decidedly as against English barley, but not against foreign barley; my former answer was as compared with foreign barley.

1150. Mr. *Arthur Peel.*] Then you have not much fault to find with the existing Excise regulations as regards your trade; they are not vexatious?—No, I have not.

1151. You complain that they interfere with your latitude of management?—Yes.

1152. Mr. Hardcastle said that they interfere as little as possible with the natural process?—Mr. Hardcastle referred to the natural process of barley, the germinating process.

1153. Have you ever known any improvements suggested by maltsters which have been rejected by the Excise authorities?—No, not important improvements.

1154. Would they allow, under the present system, any deviation from the present plan if they thought the maltster had made a plan suitable to carry on his trade?—I believe if they saw anything really sound and likely to be useful they would give leave for trials of it.

1155. And make it uniform over the whole trade?—Yes; if it was proper to do so.

1156. Mr. *More.*] Do you think that carriage by sea is not injurious to malt?—I think it is not at all injurious.

1157. How do you think the repeal of the malt tax would affect the importation of foreign barley; would it increase the quantity?—I think foreigners are every year trying to grow barley for the English market; and whether the malt tax is repealed or not, if it is suitable, maltsters will buy it.

1158. You think the repeal of the malt tax would have no material effect upon the amount imported?—I should think it would be a greater encouragement to the foreigner to send his barley than otherwise; there is plenty of encouragement now, and he would then have still further encouragement.

1159. What countries do you suppose could send much more barley into the English market?—I believe they are trying to increase the growth of barley very much and to improve the quality especially in Bavaria and along the Saale, and in the Rhine Provinces.

1160. *Chairman.*] Do you know as a fact, or is it merely hearsay (because evidence of that kind is of no use to us unless you know it as a fact), that foreigners are increasing the growth of barley?—I get the impression from the the increased number of offers of foreign barley, and the more extended districts from which we have

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have the offers made year by year of barley suitable for malting purposes.

1161. Mr. *More.*] Do you think the demand for barley in Bavaria is more or less than the supply of the country?—I do not know; I suppose it is less, because the higher price will bring it; when the price is high they come here, and when it is low they do not.

1162. Do you suppose France could supply more barley to the English market than it does now?—It depends upon the season; sometimes we have good barley from France.

1163. All the best barley from France comes to England now, does not it?—I do not know.

1164. What is your opinion of a general tax upon beer?—I have not sufficient information upon the past working of it to give an opinion.

1165. You are not in a position to say whether you think it would be impolitic or not?—No, I am not.

1166. *Chairman.*] I think I understood you to say that maltsters could not make any increase upon barley when converted into malt; that is to say, that a bushel of barley would make very little more than a bushel of malt, because they have to make it in a way for the brewers which would prevent any increase?—That is entirely dependent upon the quality of the barley; if the quality of the barley is very mellow and tender, we should not expect to get much or any increase from it, if we worked it up and made the best possible malt of it. If we had a similar quantity very hard, we should keep it on the floor more days; we should expect a better acrospire, and expect some larger increase, and improve the quality of the malt by so doing.

1167. Taking the bushel of malt for a poor man, could you afford to make him a bushel of malt out of a bushel of barley without his paying you anything for it?—No; it would not be worth our while to do it.

1168. I ask the question because you made a distinction between the brewer having to make it more closely than other people?—It is only because the brewer knows what he gets; the poor man does not.

1169. You do not sell malt at all by retail?—Very little.

1170. Is it the fact that where malt is sold retail to poor people, the price is almost double what it is when sold wholesale?—No; but the price is generally 6 *s.* a quarter more.

1171. I am talking of a gallon of malt, which is a very small quantity?—I do not know anything of such a small quantity; we only know of bushels and sacks.

1172. You have no experience of the sale of smaller quantities than bushels?—No.

1173. I think you said something about the protective duty upon malt being of advantage to the maltsters of this country, inasmuch as foreign malt was not sent into the country?—Yes.

1174. Is it your opinion that, supposing the duty were taken off malt, and foreign malt were imported into this country, the public would get a benefit by the beer being cheaper?—I think they would.

1175. Is it not your opinion from your general knowledge of this subject, supposing the duty was entirely taken off, that the brewers must then reduce the price of beer considerably?—If it was taken entirely off they would then reduce the price of beer.

1176. With regard to the beer tax, you say you have no experience upon that subject, an have not turned your attention to it at all?—N sufficiently to give any opinion.

1177. There was one other thing which yo did not go into fully to begin with; but I thin you rather altered your opinion a little in you last answer, you said that the Excise regulation were not at all vexatious?—If you ask me th question whether I had rather, as a maltste be without Excise regulations or not, my answe would be I would rather be without them. Bu if you ask me whether the Excise regulations ar vexatious in themselves, and vexatiously carrie out, I say they are not.

1178. Admitting that they are not vexatiousl carried out, yet I think you have admitted tha you could not carry on your business profitably and comply with all the regulations as they a present exist?—I do not think I said so. I think I said I could. It is only a question between A. and B. If the officer offers advantages to A. and not to B., the latter stands at a disadvantage but if the regulations are enforced equally upon the whole trade, there is no disadvantage t anybody.

1179. But you must know, as a man of the world, that A. and B. are not always of the same temperament or mind; you find that A. in one district may enforce the regulations much more hardly than B. may in another district. But supposing these regulations are enforced up to the very letter, would they not prevent your carrying on your business in the way you want?—My reply will be as before, that if there was any undue enforcement of the regulations, causing small irritating annoyances to the trade, an appeal to the Board of Excise would immediately rectify it. We have had such a case in our own experience. An excise man, who was not acting in his duties in the spirit in which it was intended he should, upon his being reported, was at once called to order.

1180. You said that you did not exactly know the regulation as to the hours of steeping, and that you have steeped as much as 70 hours, but not less than 40 hours?—Yes; that is so.

1181. Supposing the regulations said you were not to steep more than 50 hours, and you steeped 70 hours, because the barley required it, and A. said you should not do that, because the regulations said you should not steep beyond 50 hours, should you think that interfering with your business?—Certainly, it would be; but I believe we have the option of steeping 70 hours. I do not know whether we have more; but sometimes we have steeped 70 hours with a very hard, bright, strong barley.

1182. Mr. *Read.*] There is no limit?—It is a question of £. s. d. with us what we can get out of a certain quantity of barley, and we give notice according to the quality of the barley.

1183. *Chairman.*] Have you ever been abroad?—Yes.

1184. Do you know anything of the foreign methods of cultivating land?—I do not know sufficiently to give any opinion upon it.

1185. Do you know whether they, generally speaking, endeavoured to grow wheat whenever they can instead of barley?—I am not aware.

1186. Mr. *Read.*] What improvement has there been in the process of malting during the last 30 years?—I am not aware of any particularly improved plans. The buildings have been improved,

so

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s to get better drying power and that kind of ig.

187. But not in the actual process of malt- ?—I am not aware of any particular improve- it.

188. Do you know of any other trade where re has been no improvement during the last years?—I do not know; no doubt there are h things.

189. Mr. *Hardcastle.*] Is the reason for there ng no improvement, the fact that malting is a ural process?—Yes; I believe so.

190. Mr. *Read.*] Which do you consider els best in bulk, the soft kernel of the barley he hard kernel of the malt, as far as regards g broken?—There is not sufficient friction to k the malt in journeying either by railway vater.

191. Do you ever send malt in bulk by rail? o; nor do we send barley by rail.

192. Mr. *Hardcastle.*] I suppose, if malt is ken, it is only anticipating what it has to go ough before it is brewed?—Just so.

193. Mr. *Read.*] I think I understand you to that the freight of foreign malt being 25 cent. less than that of barley was an advan- e in favour of importing foreign malt?—It ild be if there was no duty.

194. Why do the maltsters now malt at a way station, rather than take it to their own ses?—To save the expense of carriage, tly; and to save the friction of the carriage , as every movement of malt wastes it a little. as to be put up at the country malting place, led on to the cart, taken off the cart, and put to the railway truck; and there is much more tion than there would otherwise be. But the ef reason is to save the carriage.

195. But the malt that is made at the rail- stations is hardly ever used at those stations? o; in such case it is generally sent away to e brewer.

196. Then the malt and the barley both have e moved?—The farmer delivers one, and the tster removes the other. The expense is out the maltster's pocket in the case of malt; but in the case of barley.

197. But, I suppose, he has to pay the car- ge of the barley from the station at which it delivered to the place to which it goes?— ey can get the barley more freely brought to ir malting from various districts. In one year y wish to draw from one place, and in another m others, depending upon the quality of the d and the weather, in different seasons. We y a tender, or a very bright barley, as we sh it, from one part or another. And if our lting is at the railway station, we can bring it these places; but if it is in the country we uld have to cart it.

1198. What is your practice; do you malt at ne, or at the railway stations?—We malt all home, which is at the railway station.

1199. But with maltsters who have maltings different railway stations, is there any loss in being able to superintend them so thoroughly if they had one office at home?—I think there not much in that; we prefer them being at ne.

1200. You do not use barley from long dis- ces?—Yes, we do; we bring barley as far as m Cambridge and from Saxmundham, but the ncipal quantity is grown about 20 miles around place.

1201. Mr. *Hardcastle.*] There is one other question which I wish to ask you about the Excise; where the Excise see that a maltster carries on his business honestly, they never give him any annoyance; is not that the case?—That is so as a rule.

1202. If there happens to be a troublesome exciseman, you can always get redress by reference to head quarters?—Yes, we can.

1203. Mr. *Arthur Peel.*] Did I understand you to say that if the duty was reduced, the foreign barleys would not be malted?—I said that the reduction or repeal of the malt tax would not make any difference, I think, as to foreign barleys.

1204. You would not malt less, and the public would not benefit by a greater quantity of English barley being malted in this country?—No.

1205. Foreign malt travels well, does it not? —Yes, it does.

1206. Therefore we might be liable at any moment to an influx of foreign malt if the duty were abolished?—Yes.

1207. To what class at home would that be prejudicial?—It would be prejudicial to the maltsters who have bought the English barley.

1208. And you think the public would benefit largely?—The public would get the benefit of the maltsters loss, which, through the maltsters, ultimately reaches the farmers.

1209. Do you think the quantity of foreign malt imported would be enough to benefit the public appreciably?—I should not wonder if it did after a few years. My impression is that the barley would be malted abroad and sent here.

1210. Mr. *Henry Surtees.*] If malt were sent here instead of the barley, the maltsters would be the largest sufferers?—Yes, and they would pass it on to the next parties, the farmers.

1211. At this moment a large quantity of foreign barley does come into this country?—Yes.

1212. Do you imagine that a larger quantity of foreign barley that is of malting quality would come into this country from abroad than now comes?—There is not a large quantity of foreign barley of malting quality imported as compared with English barley.

1213. I do not desire to draw a comparison between the foreign and English barley, but I wish to know what actually takes place?—I do not know the quantity imported actually for malting purposes.

1214. *Chairman.*] Have there been many endeavours to evade the excise laws by cheating?—No; I do not think there have been many.

1215. There were some large convictions some time ago, were there not?—There have been convictions.

1216. Is it not the case that when there is a little doubt about the barley, the maltster gets the benefit of it, and the farmer gets the disadvantage; is not a lower price offered for that barley because it is stained, or from some other cause, while that barley really makes very fair malt?—The answer to that question is this, the maltster will buy that sample of barley at a reduction which will compensate him not only for the actual difference, but for any loss he may sustain in any speculation as to whether it will make malt or not.

1217. Mr. *Arthur Peel.*] Is it the opinion of maltsters generally, that the excise regulations are not vexatious?—I speak of the whole when I speak of myself.

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1218. But you are not speaking for the small maltsters?—I think the small maltsters desiring to work honourably, do not object to the regulations.

1219. Lord *Eustace Cecil.*] Then you are thoroughly satisfied with the malt tax, and wish no change?—My individual wish is, let well alone; maltsters are getting a living; farmers are getting a capital price for their barley, and the public is not dissatisfied; it is a fair tax and especially fair inasmuch as the rich pay in a greater proportion than the poor, yet all pay something, and it is easily collected.

1220. You would be averse to a change of any sort, if the burden must exist?—If the burden must exist, I would only make a change in the reduction of the duty in order to avoid the use of sugar in the interest of maltsters and farmers.

1221. *Chairman.*] In the interest of the public, would it not be advantageous to get a cheaper article?—If we can have the licensing system altered, so as to have the beer sold properly.

1222. Lord *Eustace Cecil.*] You think that the change is rather to be looked for in the re-adjusting of the licensing system, than in the re-adjusting of the tax?—Yes; and some restriction being put on the use of sugar. I believe it is a fact that sugar has been used largely, the year before last especially, and that brewers know its use; and I believe they can brew as great a quantity of beer from a given amount, if they use sugar instead of malt.

1223. Do you believe the use of sugar to be deleterious?—I should think not.

1224. Do you believe that it brews wholesome and good beer?—Yes, but it is not such good beer for keeping.

1225. Mr. *Henry Surtees.*] Do you think that the malt tax causes the adulteration of beer?—I do not see what the tax has to do with it.

1226. Mr. *Read.*] Do you think if you made malt cheaper, other ingredients would be used in like proportion to what they are now?—I do not know what ingredients are used now.

1227. Mr. *More.*] With respect to the answer which you gave to Lord Eustace Cecil, that you had not considered the policy of a beer tax, you cannot make your opinion complete by saying whether you would prefer the malt tax to a tax upon beer?—If a tax upon beer could be as uniformly charged to the public, and as cheaply collected, I do not know that there would be much difference.

1228. Lord *Eustace Cecil.*] You are quite willing to entertain the possibility of a beer tax being an equal or a better substitute for the malt tax?—I cannot say; I have not given it sufficient thought.

1229. Major *Parker.*] I am not quite satisfied with the explanation that you gave about inferior barleys. In seasons such as we had the year before last, you said that the barleys were generally used?—Yes.

1230. Have you heard of that description of barley producing an inferior quality of beer?—It entirely depends upon treatment of the barley. If the barley is well made into malt, it gives a very good extract, and is quite good enough for brewing beer to be drunk quickly.

1231. Do not you think, if the malt tax we repealed, that the description of barley grown our heavy land districts would be more general used?—I think that the tax, whether repealed not, makes no difference to it. Whether t malt tax is repealed or not, all the available ba ley, that is barley that would make malt at a will be brought into the market and sold at i value. The maltster says, what can I give f the barley, and what can I get for the barl when made into malt. He says, I can make go malt from this kind, and can save 6 *d.* a quart more than from that. Sometimes he buys t better and sometimes he buys the low quality.

1232. The argument is frequently used maltsters, that that description of barley that y have told us makes excellent malt, will not mal good malt for brewing purposes?—I think t complaint is made without cause. I have nev seen the force of such an expression; I ha heard it, but I have not known the meaning of

1233. Mr. *Read.*] Do you think that reduci the malt tax would cheapen malt; supposi that you reduce the tax one-half, would the pu lic get the full benefit of that reduction?— think the public would not get the full benefit it; but with regard to price, they would get better article for the same money.

1234. But you would not object to a redu tion of the malt tax, in order to prevent larger quantity of sugar been used?—I think might be desirable to modify the tax for th purpose; but I think the less unsettlement the question the better.

1235. Though the tax might be reduced on half, in order to give a preference to malt, ye at the same time, it would not reduce the pri to the consumer, nor would it cheapen beer, as to cause a larger quantity to be consumed —I think it would partially do so; reasonin from past experience, we find that the duti have not all gone into the pockets of the pu lic, but have been absorbed partly in the trad and partly by the public.

1236. And partly by the producers?—I thin they might get a little.

1237. Mr. *Hardcastle.*] Will you tell us wha is the average loss in weight between your ba ley and your malt; supposing your barley weigh 55 lbs. per bushel, what is the averag weight per bushel, when made into malt?—O barley weighs about 53 lbs.

1238. We have heard from a witness that it 55 lbs. per bushel; and I put the question you for that reason?—I should expect to get th malt 42 lbs., or a little more, but our barley generally 52½ lbs. or 53 lbs.; our aim is to wor our malt so as to bring it, if possible, within 11 lb of the same weight; that applies especially tender barleys, where we are able to do wh we want; we try to get as much saccharine ma ter from it, not wasting it by over growth.

1239. You think the other barleys, the No folk and Suffolk barleys are heavier?—Yes; t tender barleys such as I refer to as stained, reckon we can work within about 11 lbs. di ference.

Mr. WILLIAM RUDGARD, called in; and Examined.

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0. *Chairman.*] YOU are a Maltster, living
ncoln, and the business in which you are
ed is your own?—It is my own.
1. It is an old firm, which has been esta-
d there for upwards of 50 years?—Yes;
ther was a maltster before me.
2. You usually malt about 20,000 quarters?
the last few years it has been from 16,000
000 quarters.
3. Are you a farmer also?—No.
4. You are in no other business besides
ng?—No.
5. Is Lincoln a pretty good barley mar-
–Yes, it is a good district.
16. Do you buy most of your barley in that
ct?—A great part.
47. You heard what Mr. Prentice said
the process of malting?—Yes, I did.
18. Do you generally coincide with him;
ou steep your barley for about 50 hours?—

49. And then you put it upon the couch?—

50. Then the exciseman takes the gauge for
?—Yes, he does.
51. Then you put it upon your floors from
13 days?—We do not leave it generally
so long as they do in Norfolk; we put it,
ld weather, for 11 days, and in warm wea-
for eight or nine days.
22. I may say that you leave it from eight to
ys on the floor?—Yes, I do.
53. You then put it into the kiln?—We
r on the floor; we sprinkle it on the floor;
arleys are heavier than the Norfolk barleys,
hey require different working.
54. Now tell us what your process is?—
the sixth to the eighth day we sprinkle the
y on the floor, and it lies two or three days,
rding to the time required before it goes on
iln.
55. Mr. *Read.*] Do you saturate it?—We
kle it with a watering pot.
56. *Chairman.*] How many days do you
it on the floor?—Two or three days.
57. Do you sprinkle it every day?—No;
once.
58. Then you put it on the kiln for how
?—Three and a half days. We dry all to-
er in one lot.
259. Are your houses small, or large?—The
llest works 15 quarters, and the largest 105
rters.
260. Are your premises situated in the town
incoln, near the railway station?—Within a
rter of a mile of the station.
261. Are there many other maltsters in
coln?—There are several.
262. Do you, generally speaking, commence
ting in October?—About the middle of
tember, or October; it depends upon the
ther and the harvest.
263. Do you generally finish about the end
pril?—I finish in April or May.
264. Of course, with regard to the duty and
forth, you have to pay in the same way as
Prentice has explained to us?—Precisely
same.
265. Do you think that 3 *s.* 6 *d.* per quarter
bout your expense in malting, including your
nt and premises?—I should say that the expense is about 2 *s.* 6 *d.*, to say nothing about the interest upon capital.

1266. Do you think that 3 *s.* 6 *d.* is too much, with the interest upon capital?—No; I do not consider that it is.

1267. Do you think that 2 *s.* 6 *d.* per quarter is a fair profit?—Yes, that is about what we make on the average.

1268. Do you think that the regulations of the Excise are very strict?—Yes, they are strict.

1269. Do you find that they seriously interfere with your freedom of action?—No; I should not say seriously, taking the season through, when we make a longer season and work in warmer weather, then perhaps they interfere with us in some degree.

1270. Why should they interfere with you in the warmer weather?—Because we cannot move our couch so soon as we otherwise should do; it has to lay in the couch longer than is beneficial.

1271. If the malt tax were repealed, and you were enabled to do as you pleased with reference to malting, do you think that it would be of great advantage to you in your trade?—If we were not under the Excise we should work differently.

1272. In what way should you work differently?—We should not be tied to any particular time for any particular process.

1273. Should you be able to produce your malt cheaper?—No; I do not think that we should be able to make it cheaper.

1274. Should you be able to make it better?—Yes, we should be able to make it better. In the beginning of the season the new barley grows very quickly, and we find it will begin to germinate before it is turned out of the couch, and that is a disadvantage.

1275. Then in that case is it not a great advantage for you to buy the best barleys?—I generally buy the best, not what we call the very best, but the best runs.

1276. Do you ever buy that which is called grinding barley?—Not for malting purposes.

1277. What do you consider to be the difference between the grinding barley and the malting barley; how should you describe grinding barley?—In much the same way as Mr. Prentice described it; it is thin and coarser, and sometimes it is heated; that is the principal difference in it.

1278. But what do you say as to stained barley?—Stained barley will sometimes make good malt.

1279. But you, of course, give a much less price for stained barley than for bright barley?—Yes.

1280. And it would make quite as good malt as the bright barley?—Sometimes it does, but we should not get the same price for the malt, though it is equally good; but it is an exception that it should be as good; it is not generally as good.

1281. Although grinding barley may not make as fine malt as malting barley, would it not make malt, from which good beer could be brewed, which the labouring people would buy?—Taking it for granted that the barley would germinate, it would make good beer.

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1282. Mr. Prentice, I think, said, that taking the average of malting barley at 40 *s.*, the average of grinding barley would be from 35 *s.* to 36 *s.*; is that your opinion?—It varies so much that I can scarcely say I have known grinding barley and malting barley vary 15 *s.* a quarter.

1283. Do you recollect two years ago, when malting barley was 50 *s.* a quarter?—Yes.

1284. And that medium barley sold from 36 *s.* to 41 *s.* and 42 *s.*, and that grinding barley, in its common acceptation, was even as low as 26 *s.*?—I believe that Black Sea barley, which is the commonest barley, was very low. I do not know the price, but that year I took a note of malting barley, and the grinding barley cost on the average 15 *s.* a quarter less than the malting barley cost.

1285. Do you believe that barley sold at 26 *s.* would germinate and make malt?—Part of it would.

1286. Do you think it would make useful beer for poor people?—I do not know, I am sure.

1287. Would it be cheaper for them than buying malt at a higher price?—I doubt it very much myself. You would not have the quality or the quantity from it.

1288. But of course that must depend upon the quality of the barley itself and not upon the price?—The price has nothing to do with it.

1289. What is your opinion with reference to the price of the best barley; supposing the malt tax were taken off, would it be increased or reduced?—Do you mean relatively to the inferior barley?

1290. No; I ask you with reference to the system?—I do not know. I do not see any reason why it should be increased or reduced.

1291. Have you ever heard that the taking off of the malt tax was likely to increase the price of the best barley?—I have heard that opinion expressed.

1292. Is that your opinion?—No.

1293. You do not think that it would affect the price one way or the other?—No.

1294. Do you think that it would relatively affect the price of the inferior classes of barley so as to bring them more nearly approaching the higher classes?—It might cause more of the inferior barleys to be malted.

1295. I think you said that if the malt tax were repealed, it would enable you to make certain alterations in the manufacture of malt that you cannot now make?—I did.

1296. You did not say that it would enable you to reduce the price?—No; I do not think it would make it any cheaper.

1297. Have you to give notice of every operation in your trade to the officer of excise?—Yes.

1298. And that officer has a key of your premises, and can enter at any hour of the day or night?—Yes, he can.

1299. I suppose, substantially, you agree with what Mr. Prentice said with reference to the officer?—Yes, I do.

1300. Has not the number of maltsters much decreased within the last 20 years?—Yes; I believe so.

1301. Do you attribute the decrease to the regulations and restrictions of the Excise?—No.

1302. Have you any small maltsters in your neighbourhood now?—Yes.

1303. Have you many?—Several; six or eight or 10, that I could mention in Lincoln an neighbourhood.

1304. Have they decreased in your neigh hood lately?—No, I cannot call to mind that have ceased malting; the manufactu malt has increased very much in Lincoln d the last 15 years.

1305. Mr. Hardcastle asked Mr. Pre whether railroads had not had a great deal with that; did not the decrease in the malt take place almost before the railroads were m —I do not know I am sure, it was before my

1306. Have not the more severe impositi the duty and the less credit, something t with the small maltsters not being able to pete with the large maltsters?—I think probably it is so.

1307. Are you of the same opinion as Prentice, with regard to the increase of after it is made; that is to say, supposing have a bushel of barley, could you retu bushel of malt and pay your expenses out o malt so made?—I could do so, but not to m the malt to the best advantage to the consum our mode of manufacturing gives us a la increase than the Norfolk mode.

1308. Taking 100 bushels of barley, w would be the increase when made into malt should say on the average of years five or six cent.

1309. Is this an exaggeration which I fin the "Encyclopœdia Britannica," that 100 bus of English barley would produce 109 bushel malt?—I do not think it would on the aver it would sometimes.

1310. There are some other persons who the increase at 12½ per cent?—I have known it.

1311. Your increase is what?—Five or six cent. I should say.

1312. Supposing a maltster were to m 10,000 quarters of malt a-year, what is the cap he would require?—If he conducted his tr in what I should call a reasonable manner, t is, by not being obliged to sell his malt for r money, but give the usual credit, I should thi from about 12,000 *l.* to 15,000 *l.*

1313. That would be as it is at present?—Th is if he can hold his malt and give his custom the usual credit of three or four months; if has no malt but buys his barley and makes it i malt, and sells it as soon as made; he holds stock, and therefore he can work with a ve small capital.

1314. What is the usual practice?—With t better class of maltsters the usual practice is give credit and hold stock.

1315. Do you think it is an exaggeration say that with the tax it would take 20,000 *l.* malt 10,000 quarters a-year?—I think there cases where it would take that sum.

1316. And you think without the tax it cou be done for 10,000 *l.*?—No, I do not think could, not if it were to be carried on in the sa mode.

1317. Carrying it on in the same mode, tax being repealed, what could it be done for? I should think about two-thirds of 15,00 perhaps.

1318. You would say from 12,000 *l.* to 15,000 —Yes; I say that there are some cases whe they may require a capital of 20,000 *l.* to m 10,000 quarters; that is supposing an extre case.

9. But you say in an ordinary case it would
00 *l.*; two-thirds of that would be 10,000 *l.*,
re this amount is not far out?—No.

0. The interest upon this additional capital
ed in consequence of the tax, has to be paid
brewer in the shape of a higher price on
alt?—It comes out of the maltsters, the
s, and the retailers' profits, and between
mers and the consumers of the beer.

1. And in the end the public have to pay
—I do not know whether they would get
er for any less money.

2. That you are not sure about?—No; I
he retailers would get the lion's share of
fits.

3. Have you at all turned your attention to
er duty?—No, I have not considered it

4. You do not sell malt retail at all?—
ly to the publicans, who brew their quarter
ee sacks at a time; that is the smallest
ty I sell.

5. Do you know whether there is any
e brewing in your part of the country?—
do not think there is any in Lincoln-

6. Lord *Eustace Cecil.*] You talk about the
rs getting the lion's share of the profits;
is the proportion of profits between the
ers, brewers, and the retailers; can you
general idea; I do not wish in the least to
ything but a general question?—I cannot
u the brewer's profit; I will explain it to
if you take a quarter of malt on the average
e three barrels of beer, the duty is about 7 *s.*
el; the brewer might reduce his price for
er by the barrel, but if a man buys
pint I do not think it would be reduced

7. The publican's profits would be greater?
, he would buy at less money.

8. Do you not suppose the publican's pro-
be the greatest under all circumstances?
, and I think they will be greater still by
peal of the malt duty.

9. Do you know anything at all about the
ration of beer?—No, my friends always
malt and hops; at least I am bound to
e so.

0. Have you any experience of the beer
with sugar?—I have seen it and tasted it.

1. Do you think that it is a wholesome
?—I have seen some very fine beer made
ugar.

2. Major *Parker.*] I think you said that
malt tax were repealed, a greater quantity
ferior barleys would, in your opinion, be
for malting purposes?—I think there might

3. Would not it be, in your opinion, an ad-
ge to the public, particularly to the poorer
s?—It might be an advantage to the
r if he got a better price. I do not know
t would be to the consumer.

4. Did I understand you to say that bar-
hough of an inferior quality, would make
good beer, barring its clearness; that it
be a sound and wholesome beer?—Yes; I
maltsters might make malt to make good
rom inferior barley.

5. Do not you think that it would be of
advantage to the poorer classes, if they
be supplied with the article at a lower rate;
t you think that if the barley could be
bought at a lower price, the beer could be sold at a cheaper rate?—I think the difference is so small, that they could not appreciate it. You might make good beer from it, but a quarter of malt made from inferior barley would not make beer so strong as a quarter of malt made from good barley.

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1336. Did I understand you rightly, that there was a difference of 15 *s.* a quarter in the price of barley?—Yes.

1337. That would not, in your opinion, be considered a great difference?—The barley I was referring to then, was not at all fit for malting; it was the screenings which we take out of the malting barley.

1338. What difference, in your judgment, would there be in the cost between the finer qualities such as you speak of, and the inferior qualities which you say would make excellent beer?—On an average of years, perhaps you might take it at 6 *s.* a quarter.

1339. I think you said that you made about 20,000 quarters of malt in the year?—From 16,000 to 20,000; I have made 21,000 quarters.

1340. What value do you attach to the malt combs arising out of the making of 20,000 quarters of malt?—About 6 *d.* a quarter, as near as I can tell.

1341. Mr. *Henry Surtees.*] I think I understood you to say that you buy the best barley?—The best runs; I will not say the very best.

1342. You prefer buying the best runs to inferior barleys?—Yes.

1343. For what reason?—Because there is a better demand for the malt.

1344. Do you find that you get more saccharine matter from the best barleys, than you would from inferior barleys?—Yes; I suppose the brewers do, or they would not prefer them.

1345. It pays better to buy the best barley than the inferior barley?—We have a better market for it.

1346. Do you think that the malt tax is one of the causes why you do get a better market for the best barley than the inferior barley?—The expenses as they are now, from the beginning to the last, are 28 *s.* a quarter; it depends upon the rate of carriage; I think it better to pay that amount on a good article than a bad one.

1347. Therefore the malt tax presses more heavily on the inferior than on the best barley?—Yes; I suppose it does in that way.

1348. Do you ever prepare any malt for feeding purposes?—No, I have not done so; there is one small house in Lincoln, which was worked for a year or two, but they have ceased working, in fact they could not make it pay.

1349. You do not know whether malt for feeding purposes is prepared in the same way as for brewing purposes?—I fancy it is; I cannot speak from experience.

1350. Mr. *Read.*] I understood you to say that you always sprinkled your malt?—Yes.

1351. The maltsters of Norfolk occasionally do it; but do not you saturate the grain?—We make it thoroughly wet, but we vary the quantity with the quality of the barley; to some we give more, and to some we give less.

1352. Could you tell me why you invariably do that, and why, in Norfolk, they only do it occasionally; does it depend upon the quality of the barley or upon the kind of malt that you make?

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—

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make?—I think it is partly on account of the quality of malt that we require; the brewers there are in the habit of using our malt from Lincoln, and if they had Norfolk and Suffolk malt, perhaps they would not like it.

1353. Do you consider your quality of barley round Lincoln very first-rate?—We have one district growing a first class barley, the Limestone district on Lincoln Heath.

1354. Why has there been such a large increase of malting at Lincoln lately?—I think it is owing to the railway communication; we are extremely well off for railways now.

1355. Previously to the railways being there, was the barley taken away and malted in other parts of England?—Some of it was taken westward.

1356. And malted near the brewery?—A great deal of it was sent to Wakefield, and other parts of Yorkshire.

1357. And malted near the brewery rather than malted where it is grown?—Yes, near the consuming district.

1358. Does not the restriction of the Excise depend very much upon the temper of the officer?—Yes; the officer might make himself very unpleasant.

1359. Then with regard to the grinding or inferior barleys; this year you have used a great deal of barley which, in some other seasons, you would not have thought of buying?—No. I do not think I have myself.

1360. Has it not been the case during the last two years from the comparative scarcity of barley, that a great deal of barley has been malted which four or five years ago the maltsters would not have looked at?—Yes; undoubtedly, the scarcity has driven them to it.

1361. Therefore, when you talk of inferior or grinding barley, it has a relative value in different seasons; and what you consider inferior in one year you would be very happy to malt in another?—Yes; the qualities of the whole are all relative.

1362. Do you buy any foreign barley?—Yes; sometimes.

1363. Have you bought largely this year?—No, not much this year.

1364. Do you find foreign barley malt equally as well with English barley?—Some of it makes extremely good malt.

1365. Do you malt by weight?—No, I do not malt by weight.

1366. Has that system been introduced into your locality?—I do not know of any one putting it into practice.

1367. The maltsters in Lincoln have not availed themselves of that privilege?—No, the barley of Lincoln is too heavy.

1368. Are you aware that that alteration in the law was made principally to benefit the barleys which grow on heavy lands; was that one of the reasons brought forward for the alteration?—No, I always thought that it was as much to please the large Burton brewers as for any other reason, because they use a large quantity of foreign barley, and they would get an advantage of between two and three per cent, from malting by weight, and not by measure.

1369. The Burton brewers malt a large quantity of light bright foreign barley?—Yes.

1370. Mr. *Hardcastle.*] You said, if the malt tax were repealed, you would make certain alterations in your process; do you mean permanent
alterations, or alterations to meet particular
—Alterations to meet particular cases
demands of the year.

1371. Do you begin to malt in the mid
September, and do you malt up to May?—
the middle of September to May.

1372. Is not that rather longer than the
nary time?—No, not in our district.

1373. Your process is what is calle
Newark process?—It is.

1374. And there is a considerable differen
tween the Newark way of making malt an
process used in Norfolk and Suffolk?—
is.

1375. It is still under the same Excise r
tion, is it not?—It is.

1376. Which shows that there is a
derable degree of elasticity in the regulatio
Yes.

1377. I do not think that you describe
difference which exists between your pla
the Ware plan of making malt; can you te
Committee what the difference is?—I thin
difference principally is the sprinkling c
floor.

1378. And your malt is a shorter time c
floor and a longer time in the kiln?—Y
generally dry off the whole steep at once, a
Norfolk many people dry in two halves.

1379. Your kilns are larger than the N
kilns?—Yes.

1380. And the heat is not so great an
draught not so sharp?—The kilns are lofti
further from the fire.

1381. As to stained barley, staining is i
tive of wet?—Yes, in the field.

1382. And that wet may or may not hav
duced injury to the kernel?—Yes.

1383. For example, supposing the barle
laid abroad for some days, or perhaps even w
if there happens to have been a low state of
perature, it would be a good deal stained, th
not affected in quality for malting purposes
would be affected, and its value would not
great.

1384. The value would not be so great, bec
the buyer could not tell whether its quality
affected until he tried it by malting?—Yes
the brewer would not give the same price
dark-coloured sample of malt that he would
for a bright sample.

1385. Something has been said about the
maltsters having diminished in number sinc
shortening of the credit, and you express
opinion that it was the shortening of credit
had diminished them?—I did.

1386. Supposing credit was done away
altogether, the small maltsters would almos
tirely disappear?—I think so.

1387. Does not that show that the small
sters have been in the habit of depending
much upon Government money for their
tions?—I have no doubt many have.

1388. Supposing the Government money
entirely withdrawn, which it would be i
malt duty were abolished, they would be
further curtailed in their operations?—
would.

1389. Do you think the taking away
malt tax would diminish the number of
maltsters rather than increase them?—
think it would.

1390. Then about the increase; the alter

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process will alter your increase consider-
–Yes.
. You said thatyour increase was six per
—Yes, five or six per cent.
. If you chose you could make your in-
not more than one per cent. ?—Yes, by not
ıg.
. In fact, taking a quarter of barley, whe-
increases five or six per cent., or whether
ases only one per cent., the amount of sac-
matter contained in that barley, when
nto malt, would not be altered at all ?—I
e may make malt by our process from our
with an increase of five or six per cent.,
as much saccharine matter as other barley
vould only give one per cent.
. I do not see where the saccharine matter
me from ?—Our Lincoln barley generally
avier than your Norfolk barleys.
. Take two quarters of barley grown in
ıe field, and from the same sample, and
ıe one by the Newark process, which in-
an increase of six per cent., and malt the
y the Ware process, which involves an
e of only one per cent., would there not
nuch saccharine matter in the quarter of
malted by the Ware process as there
be in the quarter of barley malted by
ewark process ?—If they could make it
ghly tender.
. But they cannot make it tender without
ing it ?—No.
. What is your average decrease in weight,
e your average weight of barley is 53 lbs.
shel, what would the average weight of
nalt be ?—I should say that the average
of our barley would be about 55 lbs. per
and our average weight of malt would be
0 lbs. to 41 lbs. per bushel.
. That would be from 14 lbs to 15 lbs.
tion in weight between the barley and the
–Yes.
. Mr. *More.*] Do you find the Excise re-
ns vexatious ?—No, not at all.
. Have you considered the question of a
x in substitution for the duty on malt ?—
ıave not.
. *Chairman.*] I think you said that the
maltsters traded upon Government money
he credits were longer, and that it was by
ing the credits that the small malt-
lisappeared ?—I think it has had that

. Mr. Hardcastle asked you, if the malt
ere repealed, whether they would be able
y on their business at all, and you said
ou thought not ?—Those working with
nment capital would not.
3. Has not the small maltster to give longer
than the larger maltster has; are not his
ıers different customers to yours; and do
ey pay at much longer dates than your
ıers do even now ?—I dare say for part of
nake they would.
. For instance, if they supplied the small
ans in the neighbourhood, and the small
s in the neighbourhood, Midsummer and
mas are the only times at which they could
get any money ?—I should say it would
ristmas with the farmers, but it would not
months with the publicans. The publicans
lly, in the transactions that I have had
hem, pay very well; perhaps they owe
o brewings; they come and get a third,
and pay for the first; therefore still owing for two.

1405. You said, in answer to Mr. Hardcastle, that, supposing the malt tax were repealed, you certainly should alter your process with regard to particular cases; would not those particular cases allow you to buy more freely the barley which you would not do now ?—I do not think that the alteration that I meant would have that effect.

1406. I understood you to say that if you got barley a little steely, or barley which was had coloured, or for some other causes, you would use a different process towards those barleys which would enable you to make them into good malt ?—I meant to refer to all qualities of barley.

1407. I understood you to say that you received barley when you were not perfectly satisfied that you should be able to comply with the regulations ?—It might be so, because if we do malt barley now, and we make a mistake, and it will not germinate, we have very great trouble with it, and we are very liable to lose all the duty.

1408. And if the duty were taken off, you, as a maltster, would not run that risk ?—No, if there were no duty we should not run the risk of losing it.

1409. Do you malt any foreign barley at all ?—Yes, sometimes.

1410. Do you find your foreign barley works pretty well ?—Generally.

1411. Have you any knowledge of the quantity of foreign barley imported into this country for malting purposes ?—No, not at all; it is not distinguished in the returns.

1412. In your business you say that you malt from 16,000 to 21,000 quarters, how much of that is foreign ?—I have malted in some seasons one-third of foreign.

1413. Is that principally Saale barley ?—Principally Saale barley, and the Rhine barley.

1414. Not the French barley ?—I have malted French barley occasionally, but Saale has been the principal.

1415. Is it your opinion that if the malt-tax were repealed, this country would be inundated more than it is at present with foreign barley ?—No, I do not think it would. I suppose we get all we want now.

1416. Is it your opinion that it would be worth your while to establish malt houses abroad, to malt foreign barley, and import it to this country, supposing the malt-tax were repealed ?—I think it is possible it might pay me.

1417. And if it did pay you, would not the public have the benefit of it, in beer being much cheaper ?—I do not know. I do not think it would be of sufficient importance to make any difference to the public.

1418. Not if the malt tax were repealed ?—If you took off all the malt tax, then the public would benefit to some extent; it ought to reduce beer about 7 *s.* per barrel.

1419. The present price being how much ?—The duty on malt is equal to 7 *s.* on a barrel of beer.

1420. The cost of the beer being what?—From 36 *s.* to 60 *s.* a barrel.

1421. Sir *Edward M. Buller.*] Beer, you say sells at 36 *s.* per barrel ?—Yes; there is beer that sells at that price.

1422. Thirty-six shillings, I am told is the price of London porter; and two bushels of malt

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are brewed to the barrel?—I do not know the quantity.

1423. Supposing that to be the case, 72 *s.* is about the price you expect to get when barley is at 40 *s.*?—The maltsters do not expect 72 *s.* when barley is 40 *s.*

1424. What do you expect to get when barley is 40 *s.*?—I should be satisfied with 66 *s.* or 68 *s.*

1425. At that rate 17 *s.* would be the cost of the malt that would be used in brewing a barrel of beer; how much hops would be used?—I do not know; I am not sufficiently acquainted with brewing to give you these figures.

1426. Supposing you buy your barley at 40 *s.*, and sell it at 66 *s.*, there is a difference in price of 26 *s.*?—Yes.

1427. And out of that 26 *s.* there is a tax of 21 *s.* 8 *d.*; that would leave you 5 *s.* 4 *d.*?—It would.

1428. That is the profit on a quarter of malt?—No; there would be the expense of manufacturing and carriage.

1429. The expenses and profit would be 5 *s.* 4 *d.*?—Yes.

1430. What proportion of that would you say is profit, and what expense?—It would take nearly the whole of that for expenses, leaving our profit to come out of the increased quantity of malt which a quarter of barley would make.

1431. Out of a quarter of malt you would be able to make your profit out of the increase?—Yes.

1432. Would you be satisfied with six per cent.?—Six per cent. on the overturn, if you turned your capital over twice it would be 12 per cent.

1433. That will not give you a very good profit?—No.

1434. Then six quarters would be worth how much; 19 *l.* 16 *s.*?—Yes, nearly 20 *l.*

1435. And then 150 quarters would be worth what?—About 340 *l.*

1436. Then you get 19 *l.* 16 *s.* as a profit upon 340 *l.*; that you take to be correct?—Yes; what I intend to say, is that the increased measure that we get over the figures you have put down there, would give us our profit.

1437. Lord *Eustace Cecil.*] Do you think that the repeal of the malt tax would increase, or diminish the price of the raw material, barley?—I should say it would rather have a tendency to increase the price.

1438. You stated just now that you thought it might pay you to go abroad, and malt foreign barley?—Yes; because you have very good qualities abroad.

1439. But you think it would have no sensible effect upon the barley grown and sold in the home markets, supposing other people followed your example?—It would be entirely a question of price.

1440. I think you added that you were not quite certain whether it would pay you or not; it might be an open question?—I think it would pay; you would make it less expensively, and you would be able to select your barleys better.

1441. From your experience, do you think the foreign samples of barley are superior to the best grown English?—No; I should not say that they are superior to the best grown English.

1442. Would you say that they are much about the same?—They are very good barleys; we
get very good barleys from certain dis
The Saale barleys are very good generally
Rhine barleys depend very much upon th
son.

1443. I suppose you have no acquainta
all with foreign brewing?—No.

1444. You do not know the different qu
of German beer?—I do not.

1445. Major *Parker.*] Do you think tha
smaller or village maltsters use, as a rule,
of the secondary qualities of barley tha
larger maltsters in towns?—Yes, I think
do.

1446. I think you said you were som
deterred from buying inferior qualities of b
because, if they did not succeed exactly
would lose the entire duty?—You run th
of losing it. The Excise regulations abo
return of the duty are so stringent, that
almost impossible to carry them out. Som
ago I had a steeping of malt not at all
brewing beer, and I applied to the Excis
the supervisor told me that they would
the duty if I sold it for feeding. I sold
80 quarters of it to some of my friends
they used it. I got them to make a decla
that they had used it for feeding opera
and not for brewing. I then sent a cla
the Excise, and they said, "Oh, no, we wi
allow it; you ought to have used it yourse
said that I had only two or three horses,
could not therefore use it all; and after
trouble, I did get it back, but it showed
there was a risk about it, and therefore we
not run the risk, knowing that.

1447. Then the malt tax would operate
greater severity upon the small maltsters
use, as a rule, the inferior quality of barley
upon the larger ones?—Yes. When I say
rior quality, it will make malt, although not
good malt.

1448. It is that description of barley use
the small maltsters to make malt which is
make the beer generally consumed among
poorer classes of the community through
villages of the country?——

1449. Mr. *Henry Surtees.*] Are you gene
called upon to pay the malt duty before yo
ceive payment for your malt?—We are.

1450. Therefore the malt tax makes it n
sary for you to have a larger capital than if
were no malt tax?—Yes.

1451. And I suppose that is the case wit
small maltsters?—Yes, except they sell
malt for ready money as soon as it is made.

1452. Do they generally sell their mal
ready money?—I know cases where they do
I cannot speak generally as to that. I be
some of the small country maltsters give
credit where they sell retail to the farmers i
neighbourhood.

1453. Then you think it would be of adva
to them if the malt tax were repealed, be
they would not require so much capital?—I
it would, because the malt would not come
much money by 20 *s.* per quarter, or some
of that sort.

1454. Mr. *Arthur Peel.*] You have sp
rather in depreciation of foreign barley;
evidence is not in accordance with what
Prentice gave us as his experience?—I n
that I do not find the foreign barley so go
the best English barley; but there are many
foreign barleys.

1455.

455. You do not believe this statement which given in evidence last year, that barley on continent grows so quickly that you never a large kernel in a rapid growth of any ?—I should think that refers to barleys on Rhine; in certain seasons they look as if they grown rapidly.

56. Mr. *More.*] Is there not barley grown rance as good as barley grown in any part of land?—I have seen very good barley.

57. That comes to England also?—I cannot

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1458. Are you enough of a farmer to know, that if the land is kept in very good condition, although it grows a greater bulk of barley, yet it does not grow barley of so good a quality for malting as where it is not in such condition?—I have known land to he too fat for growing barley. We generally find that where barley comes up and grows in that way, the ears are not found to be of such good quality as where it does not grow so quickly. I believe it depends more upon the season than upon the land.

Friday, 12*th* *June* 1868.

MEMBERS PRESENT:

Colonel Barttelot.
Mr. Benyon.
Sir Edward Manningham Buller.
Lord Eustace Cecil.
Mr. Dent.
Colonel Duncombe.
Mr. Hardcastle.
Mr. More.
Major Parker.
Mr. Arthur Peel.
Mr. Read.
Mr. Henry Surtees.

COLONEL BARTTELOT, IN THE CHAIR.

Mr. JAMES EVERITT, called in; and Examined.

Mr. *J. Everitt.*

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1458. *Chairman.*] I BELIEVE you are a Maltster?—I am.

1459. And you reside at Eaton near Norwich?—I do.

1460. But your place of business is at Wells in the county of Norfolk?—Yes.

1461. There is railway communication with Wells, is there not?—Yes; direct railway communication.

1462. Are your malt-houses situated near a railway?—One of our works has a tramway up to it, and the other is within 100 yards of the railway.

1463. How long have you been a maltster?—Eight or ten years.

1464. Were you a farmer before you became a maltster?—I was.

1465. For a considerable time?—Yes; I farmed for nearly 40 years.

1466. And you know the value of the different qualities of barley?—I do; as well as most people.

1467. How many quarters of malt do you manufacture in the course of the year?—About 6,000 quarters.

1468. Do you buy your barley principally in the county of Norfolk?—I buy it principally at Fakenham, which is one of the principal markets for the west division of the county.

1469. Is that good barley?—It is one of the best barley districts in Norfolk on an average of years.

1470. Do you, generally speaking, buy the best quality of barley for malting purposes?—Yes; I endeavour to buy the best quality of barley; because my customers are those who require the best quality; occasionally we buy the second quality.

1471. Do you sell any malt to the Burton brewers?—I do.

1472. They want the best malt that can be produced, I suppose?—Yes; I buy a good deal on commission for a Burton house; from 6,000 to 8,000 quarters a year, upon an average of years.

1473. What is the general order you get for the class of barley which you have to buy?—I generally select the very best.

1474. Do you ever buy any of the second class barley for malting?—I do occasionally, but not as a rule; it is rather the exception than oth wise.

1475. Will you kindly explain to the C mittee your system of malting from the co mencement: you have purchased your barl and you have got it home, and then you be to steep it; how do you steep it?—We first it through a screen to take away the screenin that is the lighter portions of the barley; we c sider that the lighter portions of the barley wo not answer to bear duty upon; it is screened i the steep, where we steep it from 50 to 60 ho in proportion to its quality; if it is nice ten barley, it requires less time, but if it is ste barley, it requires a longer time to steep. Fr the steep it goes into the couch; we are co pelled by the excise to let it remain there a c tain time; I can hardly tell the Committee w we are so compelled, but there is a restricti which sometimes is a most decided disadvantag for this reason; barley will not germinate in c weather in the couch; but when the weather comes warm, when lying the restricted time the couch, it begins to germinate, and, theref swells, and we have a greater duty to pay. T disadvantage arises from the gauging of the cou then from the couch, it goes on to the floor; according to its nature, it remains on the fl from 10 to 12 or 13, and occasionally 14 days.

1476. Occasionally it remains on the floor long as 14 days?—Yes, it does; it depends up the nature of the barley, and the state of atmosphere.

1477. What do you do after that?—It is th put on to the kiln and dried there, by a very and gradual process for from 3½ to 4 days.

1478. Do you dry the whole at one process Yes; my maltings have been erected very late I erected one last year; and we make it one the principles of building to enable us to dry whole at one time.

1479. After that it is ready to be put in sto —Yes; and it lies there till required to screened off.

1480. What is the allowance that is made the swelling of the barley in the couch by exciseman?—I do not know that I can exa give you a definite answer; I think it is from to 20 per cent.

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J. Everitt.

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1. Is not 18 per cent. allowed?—I believe
r cent. is allowed; but some excisemen are
e more strict in gauging than others.

2. Which barley does it take longest to
the best or the inferior quality of barley?—
barley which is ripened very rapidly, and
quently is of a steely quality, would require
er time in the steep, and on the floors.

3. That you would not class with the best
of barley?—Yes, I should call it a good
of barley. It is ripe, and perfectly sound
.

4. But inferior barleys which are steely,
require a longer time to steep than the
ary best samples of barley?—Yes; they
.

5. Would not the extra time be represented
e difference between 50 and 70 hours?—
ave occasionally steeped 70 hours; but that
exception. From 50 to 52 hours is the
ge time of steeping our Norfolk barleys
in a sound state.

6. The barleys steeped for 70 hours would
increase in bulk more than the barley
ed for 50 hours?—I do not think that would
a great deal of difference; because, being
teely nature, they would not swell so rapidly
kinder and more tender barleys.

7. Is it your opinion that they do or do not
to a greater extent?—I do not think that
do.

8. I have some information here, that that
of barley will swell as much as 35 per cent.
at, in your opinion, an exaggeration?—
uld call it an exaggeration.

9. Supposing it did swell as much as 35 per
the reduction would not be in proportion to
etter class of barley?—Of course not.

90. You are not able to say that the inferior
would swell as much as that in 70 hours'
ing?—No.

91. What time of the year do you generally
nence malting?—It depends in some measure
when the harvest will be completed; per-
the latter end of September, or the first
in October.

92. When do you generally finish?—That is
ely regulated by the seasons. If we get
cool weather in April, we should go on, but
e weather became very warm, we should
ntinue malting.

93. When is your greatest delivery of malt?
e begin to sell almost as soon as we have
ed; and we keep on selling steadily.

94. What is your practice with regard to
nent?—Unfortunately we have to give three,
often four months' credit for all the malt we
I have a few customers who pay me
in a month, and they of course have it at a
esponding reduction.

95. Will you give us some little information
regard to the duty. When are you called
to pay the duty after the exciseman has
hed your malt?—We have to pay the duty
y six weeks.

96. Does that continue throughout the whole
ur malting, or is there some alteration at the
of the season?—There is some alteration at
nd of the season if I choose to avail myself
which I never do.

97. Have you always paid your duty upon
nalt six weeks after it has been manufactured?
es; if I had not sufficient capital, I might
advantage of the increased time.

1498. That is the longest credit you get?—That is the longest credit I get.

1499. Are not the regulations of the excise very strict in the malting trade?—I think when a maltster exercises a strict honourable course with his malting without any infringement of the law, he never has any complaint to make of strictness in the excise officers, but rather the reverse. I have never had any complaint to make.

1499*. Do the restrictions interfere with your liberty of action, or with the quality of barley which you buy, or with the process of malting the barley?—If we had no restrictions we should be able, as Mr. Prentice said, to exercise our fertility of invention, and if we had no restrictions, we should avail ourselves of methods which might induce us to alter our system of steeping or sprinkling, which we cannot do while we are under restrictions. The less restrictions in all businesses, in my opinion, the more conducive it would be to the advantage of the people engaged in that particular business.

1500. Supposing you had a very interfering exciseman in your part of the country, could not that man do considerable injury by the way in which he might enforce restrictions upon your trade?—He might give us a great deal of annoyance; but we have our remedy by an appeal to the higher authorities.

1501. Still, as the law exists, he is able to do it?—No doubt he could annoy us considerably.

1502. I believe the regulations in effect prevent you from using any but one quality of barley, that is, barley classed as malting barley?—No, we are at liberty to take any quality of barley, if we have a sale for it.

1503. Does it answer your purpose to do so, with the present restrictions?—No; the best barley will generally answer our purpose better; because there is a freer sale for it.

1504. If there were no malt tax, would not you malt other barley besides that classed as malting barley?—Decidedly we would, because we should have a market for it.

1505. I conclude that the market would be for poorer people, and for feeding cattle, and for other sort of farming purposes?—Yes, and for what we call victuallers who brew their own beer. They would not think so much of the quality as of the price. If it was 2 *s.* less per bushel they might buy it.

1506. Do you think that the malt tax has any effect upon the price of the best barley; does it increase or reduce its price?—I think, looking at the common sense view of the matter, that the present high duty cannot have the effect of raising the price of barley; I should say it rather lowers it.

1507. Your opinion is, that if the duty were repealed, the prices of barley would increase?—I think so, because there would be an increase in the consumption.

1508. Is it also your opinion that the inferior class of barleys would be more generally used; and consequently that there would be a greater demand for them?—I think there would then be a market open for that description of barley, which does not now exist.

1509. Have you ever made use of Mr. Gladstone's Malt by Weight Bill?—I have never availed myself of it, for this reason, that I have always malted the best barleys, and unless it is very light barley, it is of no advantage to the maltster.

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maltster. When the weight is over 50 lbs. to a bushel, it is not any advantage.

1510. Do you ever use any foreign barley?—I only use a small quantity.

1511. Do you know any thing about the quality of the foreign barleys imported into this country?—Yes, I do.

1512. Is there any foreign barley that can compete with our English barley?—Yes, there is.

1513. Where does it come from?—The Saale barley generally competes with our English barley; and some of the French barleys are equal, if not superior, to ours.

1514. Supposing the malt tax were repealed, what effect do you think it would have upon foreign barley and foreign malt; do you think that there would be a greater importation of foreign barley, or do you think that malt would be made abroad, and imported into this country?—I do not think we should get a greater supply of foreign barley than we get at the present time. All that is available for malting purposes comes now. As far as foreign malt is concerned, the present duty is prohibitory. But I think there is another consideration, in case of the repeal of the Malt Tax, which would not induce malt to be made abroad, that is, that the climate is rather objectionable for the making of good foreign malt; it is rather too severe. In England we find that if we get frost for one night the whole floor of malt is spoilt.

1515. Do you know that in the north of Europe, where malt would most likely be made, in the winter months the frosts are very severe?—Yes; that is my theory upon the matter.

1516. Have you ever paid any attention at all to foreign agriculture?—I have not.

1517. Have you ever been abroad?—Only a little in France.

1518. Then do not you know that foreigners are much fonder of growing wheat than barley?—From what I read, that is the case.

1519. Taking the average of one year with the other, could you tell me the difference in price between the first, second, and third qualities of barley, that is, the very best malting barley, the ordinary malting barley, and the grinding barley?—I should suppose, taking an average of years, that the difference between the best quality of malting barley and the second quality would be from 4 *s.* to 5 *s.* a quarter, and perhaps the lower qualities, the grinding barleys, from 6 *s.* to 8 *s.* per quarter.

1520. From 6 *s.* to 8 *s.* lower than the best?—Yes.

1521. Supposing the Malt Tax were repealed; what do you think then would be the difference in price between the inferior quality of barley and the better qualities of malting barley; do you think that it would have the effect of raising the price of the inferior qualities of barley in greater proportion than it would the better qualities of barley?—Yes, I think it would, because there would be a greater market for that description of barley.

1522. Then you think it would have the effect of increasing the price of the inferior qualities of barley; and therefore that there would be a greater quantity of barley grown in England than there is at this present moment?—I think that would be the result.

1523. Do you know that now wheat crops and oat crops are substituted for barley, because farmers think the barley crops so precarious that they would not pay them?—Yes; that is case.

1524. Supposing the Malt Tax were repe and the price in any way raised, do you t that they would not depart from the ordi cultivation of the land, but would grow the ley in its proper cultivation?—I think so; a believe they would grow a larger breadt barley as well.

1525. You have had 40 years' practical perience in farming, and you can give us valu information upon that point?—Yes, I can.

1526. Mr. Prentice told us the other da did not think that the repeal of the Malt would have the effect of cheapening beer; that the alteration of the licensing system w do much more than the repeal of the Malt Is it your opinion that the repeal of the Tax would lower the price of beer?—I th that if the duty of 21 *s.* 8 *d.* upon a quarte malt were repealed, it must make a proportio reduction in the price of beer.

1527. But do you think that if the brew system were altered, or done away with, trade in beer over the counter would mak cheaper than it is at the present moment should like to see it myself sold as bread, ac the counter. I should like to see restrict taken off everything.

1528. Have you ever turned your attentio the question of a Beer Duty?—No, I h not.

1529. Supposing the Malt Tax were taken and supposing the revenue would not allow our doing away with that taxation entirely, we were obliged to place it upon something e we would naturally turn to beer as the manu tured article from the raw commodity. I w to ask you whether you have turned your att tion to that subject?—I have not turned attention to it; but I cannot see that the du on beer could have any corresponding benefit the grower of barley, it would come to the sa thing; it would naturally fall upon the raw mat rial indirectly.

1530. You have been about the country good deal, and have turned your attention malting perhaps for many years, though y were not a maltster?—I was a maltster a brewer as well, 40 years ago.

1531. Have the malt-houses very much creased in number throughout the country? The smaller ones have decidedly decreased; there is a great increase in larger and impro houses.

1532. Do you think that the maltsters, as rule, are in favour of, or against, the repeal the Malt Tax?—I think they are against the peal as a body. I am one among the few exce tions.

1533. Perhaps you think that the Malt T being so large an amount, and requiring so mu capital, keeps the malting business in few hands than if the Malt Tax were repealed Most decidedly; and it tends to a monopol which I condemn.

1534. We have been told that malt increas very much in bulk; that is, that 100 bushels barley would make a good deal more than 1 bushels of malt; I should like you to give m your opinion upon that subject. The "Encycl pœdia Britannica" says that 100 bushels of Eng lish barley would produce 109 bushels of malt that is an increase of nine per cent. I shoul

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hear your version of that?—The system
manufacture of malt differs very much in
nt counties. Some men malt simply for
rease, that is, to realise a good profit, with-
udying the quality so much; but where
dy the quality, and dry our malt pale, and
ry careful in their manipulation, the in-
is not so much as it is in the other instance.
ve that it is possible to get an increase of
pon an average of years, of from six to
per cent. sometimes; but my experience
it very rarely exceeds four per cent., and
ften only 1½ per cent. I have experienced
n where I have had less malt than barley.

5. Is that with the best class of barley?—
s with the best class of barley.

6. Is that because you are very particular
ur customers, the large brewers, to make
ry best class of malt, and to turn it out in
ry best way that it can be turned out?—
that is so.

7. But, taking the ordinary business of the
y, supposing a man is making malt for
people, is it not the case that he makes a
increase and a great profit?—There is a
effort made to do that; many men malt
ly with the object of profit; and they are
careful as to the quality. They hasten it,
or; instead of giving it 12 or 13 days steady
s; they liquor it well and force it on to the
10 days; and by that means get a larger
se.

8. It is not quite a fallacy to say that if
et a bushel of barley, you might have a
of malt returned ready made, without any
se?—I do not think it could be done in an
e of years. The increase in the barley
not pay the expenses, and leave a profit
s to the maltster.

9. What capital would be required in the
f a maltster making 10,000 quarters of malt
year, and doing his business in the way
o it, and giving the credits you give?—It
universal custom in the malt trade to give
; there are few exceptions. If a man
10,000 quarters of malt, I do not think
e could carry on his business without a
l of from 10,000 *l.* to 15,000 *l.*, if he kept a
able account at his bankers.

0. Is it an exaggeration if I have been told,
very good authority, that with the malt tax
would take 20,000 *l.* to conduct a certain
ess, and that if the malt tax were repealed,
same business could be conducted with
0 *l.* capital?—I do not think that it would
re 20,000 *l.* to malt 10,000 quarters; I
d say 15,000 *l.*

1. If the malt tax were repealed, how much
l would you then require to carry on that
ess?—One-third less, that is about 10,000 *l.*;
would be ample, in my opinion.

2. What does it cost you to make a quarter
lt?—If we charge interest upon our capital,
fair rent for the malt-houses, I think it
from about 3 *s.* to 3 *s.* 6 *d.* per quarter.
all 2 *s.* 6 *d.* the actual expenses of making
alt, independent of the rent of the malt-
s, and interest upon capital.

3. Your profit would be about what?—We
erfectly satisfied if we get 2 *s.* 6 *d.* per
er nett; it is not a very profitable business;
d. is not much return upon an investment
s.

4. Sir *Edward M. Buller.*] You stated that
7. 18 per cent. was allowed for swelling in the couch?—Yes.

1545. Does that mean that the quantity is gauged in the couch, and 18 per cent. deducted?—I cannot speak definitely upon that, because it is only my impression. I think it is 18 per cent.; not less.

1546. I want to know the mode in which it is done; the wetted barley is gauged in the couch?—Yes; it is.

1547. And then, 18 per cent. or about that, is deducted?—Yes, it is.

1548. When you dry it from the couch, would you get as many bushels of malt as you pay for, and have 18 per cent. allowed?—It varies with the seasons.

1549. It is intended to be so?—I have this morning had an opportunity of endeavouring to make myself clear upon that head; I have had some talk with Mr. Michael Bass, the great Burton brewer, and he showed me a paper where he had made a calculation on an average of four years; and he finds that from 1½ to 3 per cent. more is charged in the couch than the actual quantity of barley wetted; therefore, he pays 1½ to 3 per cent. more for duty on a quantity of malt, than the quantity of barley which he purchases.

1550. Then that allowance upon the couch is intended to reduce the quantity of the wetted barley to as nearly as possible the quantity of dry barley first wetted?—Yes; the most equitable plan would be to charge the duty upon the dry barley, if it could be so arranged.

1551. You told us with regard to the outcast, that is the increase of the quantity, that it depends very much upon the system of management?—It depends somewhat upon that, and somewhat upon the quality of the barley.

1552. Supposing a maltster to be malting for a customer on the principle that he has to give him the same quantity of malt as he receives barley, and make his profit by so doing, he would then malt upon such a system as to get the greatest outcast?—There is no doubt of it.

1553. And that would give an inferior class of malt?—I think it would.

1554. Are you aware that that was a very common practice with the small maltsters?—I am.

1555. If they could make a profit by the outcast, and you cannot do that, it was because they carried on a system of malting which, in the end, was not good for the consumer?—Yes; exactly so.

1556. You say that the malt duty has a tendency to create a monopoly, inasmuch as it requires a larger capital to carry on the trade?—Yes; I think so.

1557. Are you aware also, that the brewers are, generally speaking, as much averse to the repeal of the malt-tax as the maltsters are?—I believe they are.

1558. And probably for the same reasons?—I think it is most probably so.

1559. It requires a greater capital to carry on the trade with the malt-tax than it would do without it?—Yes; large capitalists can always annihilate a small man.

1560. That would be so under any system; are you of opinion that it is more so under this system than if the malt-tax were repealed?—There are greater facilities for it; I do not say that men would do it deliberately; but it has that tendency.

1561. Lord *Eustace Cecil.*] You say that the process

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process of swelling the barley is very uncertain in different seasons?—Yes; in different states of the atmosphere.

1562. Does not the malt tax fall very unequally upon you, if that be the case?—It does in some years; we have occasionally paid less duty upon malt than we have steeped barley, but that is the exception.

1563. In your opinion a tax either upon raw barley, or upon the manufactured article of beer, would be much fairer?—I think, if you continue the malt tax, there ought to be a tax upon barley in the raw state; because we pay on an average of years an increase on the barley. Mr. Bass says, that in the last four years, he has paid from 1½ to 3 per cent. more upon the malt than the quantity of barley he has wetted.

1564. You would prefer that to a tax upon beer?—Yes, decidedly, if it is to be continued, and the present revenue realised.

1565. You said that the smaller maltsters had diminished lately; can you give a reason for that?—I think the alteration in the collection of the duty has caused that effect; there was a time when we got six months' credit upon our malt, so that a man could get a return upon nearly half his malt before he was called upon to pay any duty. Now we only get six weeks' credit; and that in a great measure has driven some small maltsters out of the market.

1566. The tendency of the trade is to fall into the hands of people with large capital?—Yes, decidedly.

1567. Do you know anything about brewing with sugar?—I only know that it is practised to a considerable extent among those with whom I am connected.

1568. I suppose it has inrceased very much of late years in consequence of the enhanced price of barley?—It has.

1569. Do you think it at all unwholesome?—I do not think it unwholesome; but it will not keep so well. If the duty upon the malt were repealed, I do not think there would be any recourse to sugar at all. Many of the large brewers do not use sugar. I believe Barclay's house does not use sugar, nor the Burton house, nor the large brewers at Romford, either for the reason that it will not keep or export so well. I was down at Romford last week, and asked the question, and I was told that sugar was never used there.

1570. Supposing the malt tax were repealed, do you think that grinding barley would be used extensively for brewing purposes?—Yes; and for feeding purposes as well. I have no doubt that malt is a good article to give for feeding purposes as a change.

1571. Colonel *Duncombe.*] As the agent of Mr. Bass, you only purchase the very first class of barley?—I purchase some of the second quality; but I have generally re-sold it to other maltsters. I buy all descriptions of barley, but for Mr. Bass I buy the very first class barley.

1572. Then you are not a purchaser of the lower class of barley, except to a limited extent?—I buy anything that is shown me.

1573. For your own purposes?—Yes; I buy it to sell again.

1574. Do you buy it for malting?—No; I buy it to sell again.

1575. For the purposes of malting, you only buy the best class of barley?—There are some men who look more at the price than the quality; therefore we must be prepared to meet th customers.

1576. In the event of the repeal of the tax there would be a much greater demand the lower class of barley, would there not think there would; our labouring popula would be more induced to brew.

1577. And those who grow a second barley are in the majority in this country at present time?—I think there is a great now being made to improve the quality of ba throughout the whole kingdom.

1578. In some parts of the country they unable to grow it?—There are certain soils cannot grow it of fine quality.

1579. It is confined to certain portions England?—Yes; I think there is much which is well drained growing fair barley where 50 years ago farmers would not grow ba at all.

1580. You say that maltsters are gener against the repeal of the malt tax?—I am af they are; but I have not had much conversa with them upon the subject.

1581. Can you tell us how the repeal of malt tax would injuriously affect the maltster a body?—I do not see how it could injuriou affect the interests of the maltsters as a body. think it would be a benefit to them, becau instead of employing 10,000 *l.*, they would have to employ 6,000 *l.* to 7,000 *l.*

1582. Why are they, as a body, opposed to repeal of the malt tax?—I suppose they afraid to let in the little men again.

1583. You say that, in your opinion, a beer would not benefit the farmers?—I say if you r the same revenue from beer as you do from m now, I do not see how it could be a benefit to grower of barley.

1584. Would it affect the raw material?— must fall ultimately upon the grower.

1585. And not upon the consumer?—No, more than it does now. If you transfer the from the malt on to the beer, I do not suppose would alter the present price of beer to the c sumer, that is, if you raise the same revenue could be raised upon beer.

1586. In your opinion, would a reduction the duty on malt prevent sugar being used?— think it would.

1587. Would it exclude sugar altogether? Yes, I think it would. It would take the amou of the present duty off the price of malt. I only the high price of malt that induces them substitute sugar.

1588. Major *Purker.*] What is your opinion to making malt in small quantities, say a bush or two pecks?—I think that you might ma barley into malt in such quantities, but it wo be almost impracticable.

1589. Would it not be practicable for a farm in a small compartment in or near his house, labourer in his cottage, to sprout a small qu tity of barley, and dry it in his oven?—He co do so; but I do not think he could make malt. Malting is a very delicate process; noth is so easy as to spoil malt. I do not think farmers would be induced to resort to mak malt for themselves. I think the maltsters have the facilities for making good malt, could it to the farmer quite as cheaply as they c make it themselves, taking into consideration extra capital that they would have to invest building malt houses.

90. I do not ask whether a farmer or labourer
d not find it to his advantage to buy the malt
reference to making it; but I want to know
her the people generally, if the malt tax
taken off, could not with advantage to them-
s steep a small quantity of barley, dry it,
it into beer, and enjoy that which you seem
hink would be a great boon to them, and
h you compare to buying a loaf of bread over
ounter?—Yes, I think they might do so, but
advantage, in preference of buying good
d malt.

91. Could not they do that in small quanti-
—It is practicable for any one to make a
quantity of malt; if he liked, he could ger-
te it, and make it into something like malt,
e could not make it into good sound malt
which he could get a good extract. I am
fied of that, because it is a very delicate busi-
. In fact malting is a thorough science. I
ot think it would ever answer to make it in
l quantities.

92. Mr. *Henry Surtees.*] I think you said
screened your barley, because you found it
not answer to pay the duty on the thin barley?
es.

93. That consideration would apply, more or
to buying inferior barleys?—Yes, it would.

94. Do you consider that the malt tax, by
ng the price of malt, encourages the adultera-
of beer?—I cannot give an opinion upon
subject. I do not think there is much adul-
ion of beer practised at the present time,
the exception of the use of sugar, which is
ed.

95. Do you not know what is used in the
teration of beer?—I think the greatest adul-
ion of beer takes place in the cellars of the
icans.

96. Would not the best way to prevent adul-
tion of beer be, to make it as cheap as pos-
?—Yes; we know the higher the duty, the
ter the temptation there is to smuggling.
re is less smuggling than there used to be in
er times. I have lived in a neighbourhood
e we constantly had smuggling.

97. You mentioned that you believe that
temperature on the Continent was not so
urable for malting as in this country?—
nk not.

98. What do you think is the best average
perature for malting?—I should think a tem-
ture of from 50 to 56, or 58 degrees, is about
best.

99. In the spring and autumn?—Yes, in
spring and autumn; I think we generally
e our best malt about November, February,
March.

00. In the spring and autumn, rather than
winter months?—Yes; I have had malt
ed in winter by one night's frost coming
us unexpectedly.

01. Mr. *Read.*] Do you sprinkle your barley
e floor?—Yes, we do.

02. Have you to give notice of that to the
seman?—We are restricted as to the time
we may sprinkle it.

03. Have you to give notice to the excise-
that you are going to do so?—No, I do not
k so; I cannot exactly tell that. I know
will not allow us to sprinkle it after a certain
on the floor; we generally do it on the
h or seventh day, and then we are restricted.
57.

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I think it is a question sometimes, whether we could not sprinkle it favourably after that time.

1604. During the last two years almost all the barley grown in Norfolk has been used for malting, has it not?—The greatest bulk of it has.

1605. And certain qualities within the last two years have been used in malting, which, in prolific seasons, would have been considered nothing more than grinding barleys?—Some portion of it decidedly has been so used.

1606. And that in fact proves, that inferior barley, or what is termed grinding barley, will make decent malt?—Yes; there is no question about it.

1607. I think you have been a large farmer in Norfolk, under Lord Spencer?—I have.

1608. How much did you farm?—1,200 acres under Lord Spencer, and 300 under Lord Leicester.

1609. I think your farm at Creek produced some malting barley which was as good as any in Norfolk?—Yes; it was about an average of the best barley.

1610. And notwithstanding that, you are of opinion that the repeal of the malt tax would benefit the growers of even the best qualities of barley?—I think so.

1611. You have been a freetrader all your life, have you not?—Yes, I have.

1612. And when you are asked to find a substitute for the malt-tax, you think it is no business of yours?—No; I say, as a matter of justice, that the farmers are entitled to the repeal of the malt tax.

1613. Did you find the labourers at Creek brew in harvest time?—Yes; in harvest time they did a little; we gave them a bushel of malt as part of their wages.

1614. Did they brew the bushel of malt in their cottages?—Yes, they did.

1615. And made pretty fair beer, did they not?—Yes; because they brewed good malt; indeed there are no men more fastidious about good malt than the labourers; I know the time when a labourer has complained that he has had ordinary malt.

1616. Then, although you think a labourer would not be able to make malt, at the same time you think he could and would brew in his cottage, if he had good malt?—I think so.

1617. You said, did you not, that generally one-third less capital would be required to carry on your business as a maltster, if the malt tax were repealed, than is required now?—Yes, I think so.

1618. Mr. *Hardcastle.*] What crop do you consider has paid the best, on the average, for the last 10 years in Norfolk; barley or wheat?—They have varied in different years; I have known some years when an acre of barley would come to considerably more than an acre of wheat; but on the other hand, I have known an acre of wheat considerably above an acre of barley; it is regulated entirely by the seasons; a season that is favourable to the growth of wheat is sometimes quite the reverse with barley. At the present time in Norfolk there is a chance of a good crop of wheat; but if we do not get rain soon, we cannot have otherwise than a deficient crop of barley.

1619. What is the average?—I think on Norfolk land the crop of barley has paid better for the last few years.

1620. Does not every Norfolk farmer grow as much

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much barley as he can?—He is regulated in some measure with respect to the price of wheat. This year there is a great proportion of wheat grown where there would have been barley, because it is anticipated that we shall get a good price for wheat in the following year; some of our turnip lands, that should be sown with barley, are sown with wheat, in anticipation of a better price for wheat.

1621. You said that you thought the climate in foreign parts would prevent the making of good malt; do you think it is too hot or too cold?—Too cold; especially in some places, where the Saale barleys come from, for instance.

1622. Are you aware that in Denmark, Sweden, and Germany, malt is made in very large quantities?—Yes; but it is consumed there.

1623. Does not that rather prove that they can make good malt there?—I believe they can.

1624. That rather contradicts what you say?—I think that brewers generally give the preference to the English malt over the foreign malt, because the foreign malt gets injured in the transit.

1625. You think it does?—I am sure it does.

1626. You say that the malt tax tends to make the maltsters fewer in number, and to drive the malting trade into fewer hands. There is no doubt that maltsters have become fewer and larger during late years; but does not that arise partly from the fact that new maltings have been built near to railway stations?—Yes; but I think the alteration in the credit has as much to do with it as anything.

1627. In fact the small maltsters nearly all worked with Government money?—Nearly all of them.

1628. At present who gets the best profit, the small maltster or the large maltster?—The large maltsters, because, with capital at their command, they are able to keep down expenses.

1629. That would be the case if the malt tax were repealed?—The same in proportion. I can make 100 quarters of malt in a hundred-quarter steep to better advantage than I could in a ten-quarter steep.

1630. Something was said about the custom prevailing in some parts of the country of sending a bushel of barley to the maltster, and getting a bushel of malt back. In your experience, as a maltstster, would it be possible to do that without very much injuring the quality of the malt made?—I would not undertake to do it myself. because I know I should derive no profit from it.

1631. Supposing you could get any profit from it, would not the profit be made at the expense of the quality of the malt?—Yes, I think it would, because I should endeavour to get as great an increase as I could, and by that means in some measure injure the quality of the malt.

1632. Mr. *Arthur Peel.*] You have not much fault to find with the Excise regulations?—No; I have never had a word of difference with the Excise men in my life.

1633. Is there not more than one system of malting adopted now throughout the country?—It varies in different counties, and varies in some measure with the quality of the barleys.

1634. Do the Excise authorities adapt themselves to the custom of the county a great deal?—No; they have one universal rule.

1635. I understood you to say that there were different systems of malting?—There are different systems of malting.

1636. Are they all compatible with the re lations imposed by the Excise?—When o the quantity is gauged there are no restrictio whether you get it on to your kiln in 10 days 14 days. The Excise men cannot interfere w you there. They restrict you to emptying y couch within a certain time.

1637. I do not understand how there can different systems of malting in different parts the country?—Some people will finish th malting in 10 days or so; I take 14 days at tim

1638. As a maltster, you said you would pre that the tax should be placed upon the raw b ley?—Yes.

1639. Did I understand you that, besides pa ing the tax upon the malt, you now pay inter upon the raw barley as well?—I find, taking average of years, that we pay from 1 to 3 per ce more duty than we steep barley; therefore would act more equitably if the tax were up the raw barley, and we should pay no more du than upon the barley steeped.

1640. If the malt tax were repealed, grin ing barley would be malted, would it not?— good deal of that which is now not malted wou be malted.

1641. Do we understand grinding barley to an inferior barley?—Yes, that is so.

1642. Is not the tendency now to make onl the best beer, and to use only the best malt?- There is no question that the best malt in th end is cheaper to the brewer, because his e penses are no more whether his extract per quart is 97 lb. or 87 lb.

1643. You told us that there is a large qua tity of malt consumed abroad, in Vienna, De mark, Bavaria, and other places?—I have unde stood so.

1644. If malt is consumed in large quantiti abroad, and travels well to this country, whe the tax is repealed what is there to prevent larg quantities of malt coming over and producin the good beer which you say there is a tendenc to make?—I do not think that we should ge more malt in the event of the repeal of the malt tax than we do now. I believe it takes harm in the transit. The foreigners would rather l English capital convert it into malt than mak it themselves. They have not too much capita themselves.

1645. If malting is a delicate process, and i there is a tendency to drink the best beer, an the tendency of the trade will be to have fewe maltsters, I do not see how the public will benefi by the repeal of the malt tax; what is your opinion as to that?—It would give a cheaper commodity; the duty of 21 *s.* 8 *d.* upon a quarter o malt must enhance the value of the beer.

1646. Do you mean to say that there is not sufficiently cheap beer in the country now?—No; the malt, from wherever it is brought, al pays the duty, whether it makes good or inferio beer.

1647. Mr. *More.*] What would be the effec of the repeal of the malt tax upon these fou classes, the producers, the consumers, the maltsters, and the brewers?—I think it would benefi all alike; it requires so much less capital to be invested; of course that capital must bear a profit

1648-9. Would it benefit the maltster an brewer equally with the producer and the consumer?—Yes; I think anything that tends to make the commodity cheaper would be a benefit to all alike.

1650. You

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650. You stated that that was not the opi- of maltsters and brewers generally?—I e not had an interchange of opinion with the wers; but, I think, that is their opinion.

651. Is Mr. Bass opposed to the repeal of the t tax?—No; he is in favour of it, as a matter ustice.

652. If the malt tax were repealed, and the in consequence were cheaper, do you think ould increase the sale of English beer upon Continent?—I am not able to give an opinion n that point.

653, Do you suppose that the same process of ting would be gone through if there were no ise regulations?—They would vary according he man's opinion of the process he should t.

654. I think you said that you had never been ad?—I have not.

655. Do you suppose that the same system of ting which is adopted abroad is the same as adopted under the Excise regulations in gland?—I think there can be only one pro- of making sound malt, though men may y as to the time in making it.

656. Have you ever met a foreign maltster? lo; I have never had any conversation with reign maltster in my life.

657. Are you aware that in countries where e is no malt-tax, the brewers generally make r own malt?—I am not able to say.

658. What inference would you draw from fact that that is the case?—There is a large ortation of our English beer abroad; and appears to me to be a confirmation of the fact they do not find it answer their purpose to w abroad.

659. It is the fact, as I have ascertained my- from inquiries which I made on the Con- nt last year, that in countries where there is malt tax, the brewers generally make their n malt?—I believe that is so.

660. What inference would you draw from t?—I hardly know what inference I can ly draw; it is a question that I have not lied.

661. Do you buy barley from France?—I have lted some French barley; but I occasionally lt Saale barley, which is the best quality.

662. You said that beer was not extensively lterated; did your answer extend to the great wers only?—Breweries in general.

663. What do you suppose is the most pro- cause of drunkenness amongst the lower sses; the quantity of beer drunk, or the adul- ation of it?—I think the adulteration has some- ng to do with it.

664. It is your opinion that beer is extensively lterated, is it not?—I do not say extensively; to some extent it is adulterated in the publi- s' cellars.

665. Is it your opinion that the repeal of the lt tax would prevent adulteration?—Yes, it uld make malt cheaper; the cheaper the article less inducement there is to smuggling or lteration.

666. *Chairman.*] You say that you prefer the y being put upon the raw barley instead of n the malt?—I do.

1667. You, as a farmer, can hardly mean that, ink?—I am talking now as a maltster; as a ltster I should prefer it, because I should not ve to pay 3 per cent. more duty than the amount barley steeped; let it dry into the steep and let the guage be there taken, you can tell what cubic feet a quarter occupies; it seems to me to be more equitable in that way, supposing we pay 21 *s.* 8 *d.* upon a quarter of barley.

1668. That is your opinion with regard to that; but do you think that the practical result would be good to the agricultural interest?—I do not believe it would act one way or the other.

1669. Mr. Hardcastle asked you a good deal about the price of barley; whether the price was not good, and whether it did not pay to grow barley; now I wish to ask you this one question upon that point; would you be dissatisfied, as a farmer, with the present price of barley?—Certainly not; but I should be better satisfied if I got 2 *s.* a quarter more; and the repeal of the malt tax would have that tendency.

1670. But I understood you to say that the malt tax does press very heavily upon the inferior classes of barley, and prevents as much barley being grown in this country as ought to be grown?—I think it does.

1671. When you were farming, did you spear or sprout any barley for feeding cattle?—For feeding horses, I did; but not for feeding cattle.

1672. Were you interfered with by the Excise?—No.

1673. You were allowed to do it?—I was.

1674. Have you heard that the Excise of late years have interfered, and that it has been stopped?—Yes, I have.

1675. Is it not an advantageous thing to a farmer to be able to sprout his barley?—Yes, no doubt of it.

1676. And sprouted barley of that kind is exceedingly good for both horses and cattle, is it not?—Yes, it is for any stock, but more particularly for horses.

1677. Do you use any malt for your lambs?—No; the tax is an obstacle.

1678. Have you ever used malt for feeding purposes?—No, I have never used it.

1679. With reference to the labouring poor, do you think that in the county of Norfolk, if the labouring man could get malt at a cheaper rate, he would brew his own beer?—I am confident that it would have that result.

1680. Are there many people in your neighbourhood who do brew now?—Very few now.

1681. Does the better class of labourers brew?—Very few; it is quite an exception.

1682. And you are still of opinion that the repeal of the malt tax would not bring in any greater quantity of foreign barley into this country?—I think it would not.

1683. Supposing that it did bring a quantity of foreign malt, and an extra quantity of foreign barley, what would be the effect of it?—You could not have an extra quantity of both; if the barley is malted, there would be less barley sent here. If they malt 100,000 quarters of barley, it would come in the shape of malt instead of barley.

1684. My question is, supposing a greater quantity of foreign barley were grown, and came to this country, and a greater quantity of foreign malt were made, and came into this country, what effect would it have upon the general public in this country?—The tendency would be to lower the price of all barleys.

1685. Would it have any other effect in lowering the price of anything else to the general consumers?—I do not think so.

1686. Would

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1686. Would it not lower the price of beer?—It would lower the price of beer, certainly.

1687. I want to know, supposing the malt tax were taken off, whether the general public would be benefited by the price of beer being lowered?—There is no doubt that the general public would be benefited by a reduction of 70 per cent. upon the raw material; nothing can be plainer than that.

1688. Sir *Edward M. Buller.*] I understand that your preference of a duty on barley to a duty on malt, entirely arises from the mode in which the duty is taken on the wetted barley in the couch, inasmuch as you pay upon 3 per cent. more barley than you steep?—It is so.

1689. But you must be aware that there is always a disadvantage in levying a tax on the raw material rather than upon the manufactured article?—Yes, there is.

1690. Therefore, if you were to put the tax upon the barley, you would begin by putting it upon the raw material, and be under the disadvantage of taxing the raw material. If you put it upon the beer, you would be putting it upon the manufactured article, and having the advantage of taxing the manufactured article rather than the raw material?—I am not an advocate for taxing beer rather than the malt.

1691. No; but I want to know whether there would not be a far greater advantage in imposing a beer duty than you admit. You stated that if the same amount was levied, that the beer duty would press in the same degree upon the consumer?—Yes; that is what I believe.

1692. Inasmuch as you, as a maltster, pay the tax, do not you charge a per-centage in order to repay you for the money you so advanced?—We have the right to do so, but we do not get it.

1693. If you embark in a trade you expect to obtain the same rate of profit from the money you employ in that trade, whether you employ it in the purchase of barley or in the payment of a tax?—I think we should realise the same profit in the quality of malt, minus the duty, as we do now; the duty acts against us.

1694. You would realise the same profit; but do not you charge more to the consumer in consequence of that tax than the mere amount of the tax?—No, I do not think we do.

1695. You stated that it would take 10,000 *l.* invested capital to make 10,000 quarters of malt a year, without the duty?—Yes, it would.

1696. Supposing the duty to exist, it would then take 15,000 *l.*?—It would.

1697. But surely you would not be contented with the same amount of profit from 15,000 *l.*, as from 10,000?—I believe we should; we should not realise more. I do not think that we take into consideration the amount of capital that we employ; we simply go for a fair remunerating price per quarter.

1698. You say that 2 *s.* 6 *d.* is a fair remunerating price per quarter?—I do.

1699. If you are employing 10,000 *l.* in producing 10,000 quarters of malt, that is giving you 12½ per cent., which is 1,250 *l.*?—Yes, that is so.

1700. If you employ 15,000 *l.*, and obtain the same profit, you only get 8 per cent.?—Yes; exactly so.

1701. Do you mean to say that you are as well satisfied with 8 per cent. as with 12½ per cent.?—I am afraid that we are obliged to be so.

1702. And that really the effect of the duty is in no degree to enhance the price to the con mer of malt beyond the duty you pay?—I not think it does.

1703. And you would say that the brew charges nothing to the consumer for interest on th money which he pays in the form of a tax up malt, which comes upon him?—I think he doe

1704. Then why should not you, as the mal ster, do the same thing?—I am afraid we do n do it.

1705. Then your business is a very poor bu ness?—Yes, it is.

1706. What do you mean by saying that th profit of a quarter of malt is 2 *s.* 6 *d.* At wh price do you calculate to buy your barley an sell your malt to produce that profit?—We bu our barley at 40 *s.* a quarter, and the duty 21 *s.* 8 *d.* I think I could afford to sell my ma at 66 *s.* or 68 *s.*; it depends upon my customer and the credit I give. Then there is the cost making, which is 3 *s.* 6 *d.*,; and I must also tak into consideration the interest upon capital an rent.

1707. You leave yourself, upon that calculation, only 10 *d.* profit on the quarter?—Then w get the increase; that is something.

1708. You told us that sometimes the increas was nothing, and never more than 4 per cent.?—Yes; that only shows you the state we are in a the present moment.

1709. *Chairman.*] Surely you would sell it fo more than you told Sir Edward Buller?—Sixty-eight shillings would be the extreme price.

1710. Sir *Edward M. Buller.*] Sixty-eigh shillings gives you 2 *s.* 10 *d.* more?—We shoul try to get that; but from a ready-money customer we should take less.

1711. Three shillings and sixpence is wha you calculate for the expense of malting?—I think that is quite enough.

1712. What rate of interest do you calculat upon the money you employ in your plant?—I only charge 5 per cent. for my capital, and so much per quarter rent, according to the steeps; about 2 *l.* a quarter. Before I strike my profit, I charge 5 per cent. for my capital employed, and I take it off the gross profits.

1713. Do you make a distinction between the money employed in building and the money employed in buying?—No; I charge the rent upon the size of the steep. If it is a 60-quarter steep, I charge 120 *l.* a year. My maltings are my own, and therefore I charge it to the debit account.

1714. Over and above all that you get 2 *s.* 6 *d.* a quarter profit?—We do not always get it; we should be satisfied to get it.

1715. You would probably get 2 *s.* 6 *d.* profit if the malt tax were repealed upon 10,000 *l.*?—Yes.

1716. And by so doing you would get precisely the same return as you get now for 15,000 *l.*?—I should get relieved of 5 per cent. upon 5,000 *l.*

1717. The effect of that would be to render it no longer necessary to have the same amount of capital; you would be able to do with 10,000 *l.* what you now do with 15,000 *l.*; and the natural tendency of that would be to enable more men to come into the trade?—No; it would enable me to extend my business with the same capital.

1718. But with greater profits?—Yes.

1719. That of course explains why maltsters generally do not like the idea of the reduction of the duty?—Yes, that is so.

1720. Major

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20. Major *Parker.*] You were asked a good
questions as to the method of cropping
land, how much wheat you grow, and how
barley you grow; I want to ask whether,
ur opinion, the malt tax interferes in any
with the general cultivation of the land by
armer?—I think not.

21. Do you think he would not, under cer-
circumstances, if the malt tax were
hed, have more crops of barley?—It would
natural inference that by the repeal of the
tax there would be a greater demand for
y, and the agriculturalist would grow more

2. Your opinion is that the farmers gene-
would be greatly benefited?—I think so. I
e that is the feeling generally throughout
ingdom. I know that is the feeling among
orfolk farmers.

3. Mr. *Henry Surtees.*] You said that you
used sprouted barley for feeding horses?—
that would only be done in extreme years,
we got injury to our barley growth; that
an excessive fall of rain during harvest,
would sprout the barley. It would be
able to the maltster, and we sprout it and
cattle food of it.

4. It is barley which had grown in the
and you sprouted afterwards?—Yes.

5. Under what circumstances, and in what
ities, did you use it?—Only in those par-
years when the barley would have been
able in the market, or when it would only
an inferior price.

6. Under what circumstances, with refer-
o horses, did you use it?—As a substitute
s.

7. And in what quantities?—We should
he same quantity of sprouted barley at its
table price; we should never attempt it
ur best barleys.

8. And with what results?—The result was
atisfactory. I do not think that anything
er to an agricultural horse than sprouted

9. You spoke just now about steeping
arters of barley, and charging your account
r quarter; what number of quarters of
vould a cistern holding 60 quarters, enable
o make in one season?—I should think
or 4,000 quarters; but it would depend
the length of the season.

0. About 3,000 quarters?—Yes; rather
than that perhaps.

1. Mr. *Read.*] Do you not know that in
lk, as in other counties, when land is in a
ularly good state of cultivation, the farmer
it safer to grow wheat instead of barley?—
ubt of it.

2. When the land is in a very high state of
ation, and a barley crop lodges, it very often
es unfit for malting?—If the land is in a
tate of cultivation, it is never fit to grow a
uality of barley.

3. I think you are of opinion that the
, and our abundance of coal and capital,
have the tendency to keep malting in the
y, even supposing the malt tax were re-
?—I am.

4. There would be something also in the
er having the superintendence of his own
?—There would.

5. Mr. Peel asked you whether you did
nsider beer to be cheap enough; is it cheap enough for the agricultural labourer to use it as the common beverage of life?—No, certainly not.

1736. The agricultural labourers in Norfolk, I believe, do not, as a rule, drink beer with their dinner at home?—Certainly not. I am sorry to say that is too palpable a fact.

1737. And you think it would be a very good and wholesome beverage, and that they ought to have it?—They would get it purer, and would run no risk of adulteration.

1738. Do you, as a maltster, ever make bad debts?—I am happy to say that I do not think that I ever made a bad debt as a maltster. I am an exception, I believe.

1739. If you did make a bad debt, you would lose the malt duty as well as the cost of the barley?—Yes; not having made a bad debt, I never tried to get a drawback; perhaps it would be perfectly hopeless to do so.

1740. Of course maltsters, in making their calculations, expect in the course of years to make a few bad debts?—Yes; and very few escape it.

1741. And they calculate that they would lose the duty as well as the malt?—Yes, they would lose the whole.

1742. Therefore I suppose they really do charge those bad debts to somebody?—Yes, of course we have the risk of bad debts; but in taking stock of my debts, I always throw off a certain per-centage to meet anything that might ultimately fall as a bad debt.

1743. But in the case of a maltster, he would lose proportionately more than other traders by bad debts in consequence of having the extra duty to pay?—No doubt of it.

1744. Mr. *Hardcastle.*] What difference do you think the repeal of the malt tax would make in the price of beer?—I think, on the repeal of the malt tax, a poor man could brew a very good glass of beer under 6 *d.* a gallon.

1745. I want to know what difference you think the repeal of the malt tax would have upon the beer as now sold?—I think it would make a difference of 7 *s.* or 8 *s.* a barrel.

1746. How much difference would it make in a pint?—A farthing a pint; I do not think it would make much difference in beer sold over the counter; the publicans would get an additional profit; I talk of the difference that it would make to a man who brews his own beer.

1747. *Chairman.*] As a brewer, and a practical man, you must know that if the malt tax were repealed, it would make, or ought to make, a considerable difference in the price of beer?—It must do so.

1748. It is difficult to work these things out; but still, taking it as a rule, no doubt it would decrease the price of beer?—The present duty certainly represents 70 per cent. upon the raw material; if that is taken off, it must make a difference, unless the publican puts it all into his own pocket; I want the farmer to get a little; I must say, that for my 10,000 *l.* or 15,000 *l.* which I invested in farming, I have been very ill paid; I ought to have 40,000 *l.* for the 40 years I have been in the business.

1749. Sir *Edward M. Buller.*] You tell us that your profits as a maltster are certainly not more than 12 per cent.; what were your profits upon your capital as a brewer?—I was only a few years a brewer; unfortunately for me I was obliged to relinquish it; I was very well paid for the time I was a brewer.

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1750. It is a better business than that of a maltster?—Decidedly so.

1751. Mr. *Read.*] And it is a better business than that of a farmer?—It is.

1752. Sir *Edward M. Buller.*] You were not a brewer on a large scale, were you?—No.

1753. You did not go so far into it as the buying up of public-houses?—I may say that I and my brother had 24 or 25 public-houses, besides our private trade.

1754. That must have required a great outlay of capital?—Yes, it did.

1755. Did you get the same interest for the money so employed as you got for the money employed in the legitimate trade?—We charged a good deal more than five per cent. upon public-house property.

1756. You calculated upon making the same profit by the money you employed in the public-houses as you calculated by the money which you employed in brewing?—Yes, that was so.

1757. You made larger profits by the brewing than you could have done by the public-houses, if you had not also been a brewer?—Yes.

1758. Was it worth your while to invest a large capital in order to get the business of those public-houses?—No; I do not think I should do it myself, if I was going into the business again. I do not think I should attempt to buy public-houses.

1759. But you did do so?—My father did it for me.

1760. Is it not the fact that the profits of a brewer are so large that it is worth his while to employ his money at a lower rate of interest than he obtains by the mere brewing, for the sake of extending his trade; and, in point of fact, to expend a portion of his profit as a brewer in getting a more extended trade, and so a greater income?—No doubt.

1761. Major *Barker.*] You think that good beer could be made at 6 *d.* per gallon, if the Malt Tax were repealed. What does such quality of beer cost at the present time?—About 8 *d.* a gallon. I have always been in the habit of brewing for myself and the whole of my family, and I have always found that I can brew a nice quality of beer, with the present duty, at 8 *d.* per gallon, and I contend that I can brew the same quality of beer at 6 *d.*, that is at a reduction of 25 per cent.

1762. Mr. *Henry Surtees.*] Did you ever malt on commission?—No, never.

1763. You never malted for brewers, they paying you so much per quarter?—No, I did not.

1764. Mr. *Read.*] Do you consider malting to be a scientific rather than a natural process?—I think it is a very scientific business.

1765. And consequently you disagree with Mr. Prentice, who considered it a natural process?—So far it is a natural process, that it vegetates and germinates naturally; but in the management of a malthouse you require a great deal of care and science in watching: what is right for one season may not be right for the following season, and what is right for one portion of malt will not be right for another; it is a very nice process.

1766. And notwithstanding all that var
both of season and of the quality of the barle
theory of the Malt Tax officials is that there sh
be one uniform regulation for the whole k
dom?—I do not see how it could be otherwi

1767. But if there is a relaxation it is
by the Excise beyond the strict letter of the
—Yes, if there is any; but I do not sup
that there is any relaxation.

1768. Mr. *Hardcastle.*] There is a conside
difference in the practice of making malt i
ferent parts of the kingdom?—Yes, it varie

1769. Then the Excise does not interfere
it?—No, if you keep within the bounds o
law, they cannot interfere with you. The
sters must not steep beyond a certain numb
hours in any part of the kingdom; nor wil
Excise allow you to move from the couch b
a certain time; and they will not allow yo
liquor more than a certain number of days.
only difference would be in the process, whet
man allows it to remain for 14 days, or wh
he quickens it up, and allows it to be there
ten days; it all depends upon the quality o
barley.

1770. That is not interfered with by the
cise?—If you keep within the restrictions,
cannot interfere with you.

1771. Mr. *Read.*] If the exciseman charge
upon the quantity of malt which is measur
the couch, why does he interfere with your
cess of sprinkling, when it is upon the floor
cannot tell you why; but it is a restriction b
Excise. If you steep for 70 hours, you ar
at liberty to sprinkle so much as if you only
50 hours.

1772. Mr. *Hardcastle.*] Is it a rule of the
cise to prevent sprinkling, except under ce
regulations. Let me put this case: suppos
dishonest maltster, if there is such a person,
to mix a certain proportion of barley wit
growing malt upon the floor; if that barley
sprinkled, it would sprout sufficiently to
ceal the dishonesty, would it not?—I do
think that it is possible for a man to put dry
ley on to the floor.

1773. Do you think that that is a reaso
Excise rule?—It would be impossible for hi
do that; it would do a great deal of mischie
would spoil the malt entirely. If a man put
of the malt into his mouth, and bit it, he
soon find it out.

1774. Sir *Edward M. Buller.*] You to
that you charged rent on the steep?—Yes
cording to the size of the steep.

1775. What would be the outlay requir
order to make buildings of that size?—I
two new maltings within the last few yea
built one this very year. We now introdu
the best improvements that we can; we
greater width between our floors; we get
floor room and more kiln room; the greater
of the old maltings dry off in halves. Yo
build a very good malthouse for from 30 *l.* t
a quarter.

1776. If you charge 120 *l.* rent, what d
buildings cost you, which causes you to p
a rent of 120 *l.*?—A 60-quarter steep woul
from 1,800 *l.* to 2,000 *l.*

Tuesday, 16*th June* 1868.

MEMBERS PRESENT:

Colonel Barttelot.
Mr. Benyon.
Sir Edward Manningham Buller.
Lord Eustace Cecil.
Mr. Hardcastle.

Mr. More.
Major Parker.
Mr. Arthur Peel.
Mr. Read.
Mr. Henry Surtees.

COLONEL BARTTELOT, IN THE CHAIR.

Mr. RICHARD HUNT, called in; and Examined.

Mr. *R. Hunt.*

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7. *Chairman.*] YOU live at Stansted in rdshire?—I do.

8. That is close to the town of Ware?— lose to Ware.

9. You own some considerable property, a nd acres or so, in that neighbourhood?—I ome land in that neighbourhood.

0. Of which you farm 250 acres?—Yes,

1. You are also a large maltster, are you -I malt.

2. You are able to malt from 23,000 to quarters of barley in the course of the —Yes, I am.

3. Your malthouses are situated close to ilway?—Some are on the railway, and re within 200 yards or within a quarter of of the railway.

4. Do you buy your barley principally in eighbourhood?—Yes, in that neighbour- n Suffolk, and the adjoining counties.

5. Do you, generally speaking, buy the ass of barley?—I buy both sorts, the best e middling, which is used to make a des- n of malt called brown malt, which is y the porter brewers.

. What is the difference usually in price n the best and the middling barley which e for porter brewing?—It varies in differ- sons; sometimes the prices are very near r, within 3*s.* or 4*s.*, and at other times fference is as great as 15*s.* It depends he harvest and the proportion, during the , of the inferior quality of barley to the uality of barley.

. That inferior barley may be classed as ng barley, may it not, or do you class it he malting barley?—We class it both the inferior kind of barley we select for malt, the more unkind and harsh sort is uding.

. Supposing the malt tax were repealed, ffect would it have upon the price of the asses of barley?—If the malt tax were d, it would make a greater demand for all malting barley.

. But I specially want to know what you think it would have upon first-class would it increase or decrease the price? nk it would increase the price, but not in large proportion as it would the inferior f barley.

1790. Your opinion is, that it would considerably increase the price of inferior barleys?—Yes, it would make them more convertible.

1791. Do you think that if the inferior class of barley were increased in price, it would have the effect of a greater breadth of barley being grown in this country?—Undoubtedly.

1792. As a practical farmer, have you found that it does not pay you to grow barley as well as it does to grow wheat or oats out of their proper rotation?—Yes; I have found that especially this year. The price of wheat has been dear, and many of my neighbours have grown on their barley lands spring wheat.

1793. That is instead of barley?—Instead of barley.

1794. Though it may get you a greater return, yet it is not so good for the land, is it?—It exhausts the land and does not enable us to graze as much mutton.

1795. Your opinion is, that if the malt tax were repealed, land would be cultivated in its proper rotation, and a far greater quantity of barley would be grown?—A far greater quantity of barley would be grown, and more meat would be raised.

1796. Is it your opinion that maltsters in general would purchase that second-class barley which you have been speaking about?—Certainly they would, and it would be used for other purposes as well as for making beer.

1797. For what other purposes would they use it besides that of making beer?—For feeding cattle, though we have an act by which we can make malt duty free; it is so incumbered with other restrictions, that it defeats the purpose for which we want to use it.

1798. We have had various opinions upon the increase of malt over barley. Taking 100 bushels of barley when it is made into malt, how much in your opinion would that 100 bushels of barley produce?—That entirely depends upon what sort of barley it was. I do not mean how heavy it is, but what description of barley it is, and how much it is grown before you take it to the kiln to dry it.

1799. In your usual practice what do you find the increase of malt to be over barley?—In Hertfordshire, in my district, we get but a small increase. It is on an average under three per cent.; but there are other malsters who get a great deal more.

1800. I find

Mr. *R. Hunt.*

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1800. I find in the Encyclopœdia Britannica, that 100 bushels of English barley would produce 109 bushels of malt; that is, an increase of nine per cent. Do you think that is the case in certain districts?—It can be done, but many maltsters had a decrease last year.

1801. How do you account for that?—If so much depends upon the way in which the barley is brought to the malt kiln, whether it is weathered in the field first or not, and whether it is kind barley; there was a deal of malt made in my neighbourhood last year from weathered barley, which decreased two or three per cent.

1802. What is the allowance made by excisemen in the couch on wetted barley; supposing there to be 100 bushels, what do they deduct from it before they charge you with duty?—I cannot tell you; but I can show you by figures how we work out the duty.

1803. Is there not a regular deduction; is it not 18 per cent.?—It is ·850 to 1,000. It comes to about 18½ per cent. in counting.

1804. We have got it in evidence from three maltsters, whom we have examined, that 18 per cent. is the deduction which is allowed when it is gauged in the couch?—It is rather more than that in the dry barley.

1805. You do not exactly know?—No. I could not speak to that.

1806. I think one of the witnesses said that it was either 18 or 20 per cent.; but when I named 18 per cent., he said that 18 per cent. was the quantity allowed to be deducted; how long do you steep your barley?—Forty hours is the shortest time; sometimes it is longer; it depends upon the quality of the barley; sometimes I steep for 60 hours, and sometimes for 52 hours.

1807. Do you ever steep for 70 hours?—We have done so on one or two occasions; but very rarely. It is so long ago that I forget when that was.

1808. Would the barley that you steep for 70 hours, swell more than the barley that you steep for 40 or 50 hours?—Much more.

1809. Is it inferior barley?—No, it is generally foreign barley; it is a hard description of barley, coming from a hot country.

1810. You mean steely barley?—Yes, that is it.

1811. Would the increase upon that barley be as much as 35 per cent.?—Not having steeped any for some years I cannot say. I should think it would.

1812. But the deduction is only 18 per cent.?—The longer you steep the greater the deduction.

1813. But there is only a deduction of 18 per cent.?—There is a different deduction for the long steep than the short one.

1814. I think you are wrong there; I think it is one uniform deduction of 18 per cent.?—I cannot speak to that.

1815. Supposing I am right that it is a uniform deduction of 18 per cent., if the inferior barley swells as much as 35 per cent., that barley would naturally pay more duty than the other barley would pay?—Yes, it would.

1816. It would be very unfair, and is very unfair with reference to the inferior barley?—It is; but it is not so unfair as it appears to be, because we get more malt from that barley. It is a peculiar sort of barley; very hard, and still kinder in nature than it appears to be; and it produces more malt than any other barley we have.

1817. That may be true; but if 100 swollen to 135 bushels, and you only get a ded tion ot 18 bushels, you will have paid a duty u the difference between 18 and 35 as over better class of barley, which only swells to and 120: that is so, is it not?—That is so.

1818. What do you consider to be your penses in making a quarter of malt?—The labc rent, fuel, and all, comes to about 2*s.* 6*d.*; fr 2*s.* 6*d.* to 3*s.* 6*d.*, according to the differ kinds of malt.

1819. Do you consider 2*s.* 6*d.* to be ab your profit upon each quarter of malt?—I afraid that I shall not get it this year; I did get it last year; but 2*s.* 6*d.* is bare liv profit.

1820. Then I gather from your evidence t you do not quite hold to the old theory tha man sending a bushel of barley ought to rece a bushel of malt in return; the maltster mak sufficient profit out of the extra malt to pay expenses?—No. So much depends upon the of barley you send. There are some descripti where I would exchange a bushel of malt fo bushel of barley; but with others I would not so. A bushel of some barley makes less tha bushel of malt.

1821. Your answer is, that it may be done w certain classes of barley?—There may be an crease, and it may be done.

1822. What capital do you think it wo require to make 10,000 quarters of malt in year?—I cannot answer that question. It done in so many different ways; some sell three months' credit, some sell at six mon credit; some only malt at the end of the y and then deliver it, and give three months' cre upon it. Men do it in different ways.

1823. Is it extravagant to say that it wo take a capital of 20,000*l.* to make 10,000 qu ters of malt a-year?—I know of many men us more than 20,000*l.* to make 10,000 quarters.

1824. Is it correct to say, if the malt tax w repealed, that 10,000*l.* would be sufficient capi to make 10,000 quarters of malt per year?— would want rather more than 10,000*l.*, becau the duty is not half of it.

1825. What sum would you require if malt tax were repealed?—It depends upon year, and upon the price of barley. I should a proportion of 12,000*l.* to 20,000*l.* If it t 20,000*l.* to make 10,000 quarters, with bar at a certain price, and the malt tax still exist. it would take 12,000*l.* to make the same amo if the tax were repealed.

1826. Do you know anything about brewi —Only as I am brought in contact with it by customers. I every market day see a brew and am often in a brewhouse.

1827. Do you think the revenue is inj by charging duty on sugar by the hund weight?—Yes, it is.

1828. In what way?—It opens the door fraud to a small brewer. The excise have check upon him, except his word, as to how m sugar he may use. If he brews from malt exciseman may gauge the grains, but if he br from sugar he cannot tell how much suga used, and how much malt is used.

1829. What is the smallest duty on sugar The brewer pays 3*s.* 4*d.*

1830. The import duty is 8*s.*; that would 11*s.* 4*d.* altogether?—Yes.

1831. What is your opinion as to the prob

consum

sumption of malt, supposing the duty were rged on beer instead of malt?—I think there uld be a great deal more malt used to make same quantity of beer of the same strength. ere would not be the inducement to adulterate r so much. The public would get a much re wholesome and better beverage; but there uld be a great consumption of inferior malt for er purposes than brewing.

832. It is your opinion that if the malt tax re repealed, and an equitable duty placed upon r, that both the farming interest and the gene- public would derive very great advantage?— s; and I think the maltster and the brewer would derive advantage from it.

833. How do you think the maltster would ive advantage from it?—By the increased nand for malt.

834. Do you think that the shortening of the t credit has had anything to do with reducing number of maltsters?—Yes, it has.

835. Do you think that the smaller men e been gradually disappearing throughout the ntry since the credit has been shortened?— , they have.

836. Therefore the malt tax has tended to te a monopoly, and to throw the trade into hands?—I think so; and so do other malsters differ with me in other opinions.

837. What is the feeling in the malt trade regard to the abolition of the duty?—Nearly he maltsters would rather see it remain as it nd be left on. I have conversed with many , and have asked them why they wished to e the exciseman still in their house to inter- with them. They say that it is a nuisance to e the exiseman interfering; but it keeps the e men out of the market. They say, "My fellow, we should have the farmer and the e men making malt, and it would do away what little monopoly we have." But I think e differently. I am a miller as well as a tster; and there is no duty on wheat or flour; yet my milling trade is as good as my malt- trade; and the competition in the milling rest, though it is free entirely of the excise, not hurt me. I have never heard a maltster any other reason why he wishes the duty on, than that it protects the monopoly of the e.

338. Are the large brewers against the repeal e malt tax?—Yes; their feeling is the same; are afraid of it; they think that it will open o many small breweries.

339. Supposing the licensing system were red, and beer could be sold over the counter of all tax, how would that do for them?— ve not paid sufficient attention to it to answer question.

340. Then everybody would brew, would they ?—I do not think they would; with free e the brewers' business would be as good as now, if not better.

341. You think that the man who brewed l beer would always command a good trade e country?—Yes; and a brewer can brew so h cheaper than a private individual can; he brew beer at a good profit and beat the man brews his own.

342. Do you think that a poor man would for himself?—No, I do not; I think if we good wholesome beer, and did away with teration, that the poor man would be able to beer cheap and good.

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1843. Have you turned your attention to a duty upon beer?—Yes, to some extent I have, but not much.

1844. Supposing the malt tax were repealed, and that we were obliged to keep up a tax, not being able to do away with it altogether, do you think that the placing it upon beer would be the fairest for all parties?—No doubt it would; just before the Beer Act was first imposed there was a duty on beer.

1845. Then your opinion is, that the placing of a duty upon beer would be a far fairer tax than the duty upon malt, as it is at present?—Undoubtedly; I think it is the proper place to take the duty; and men might make the beer then of what they pleased, sugar, malt, or anything else.

1846. You are of opinion that they would make the beer from malt, as malt would be the cheapest commodity rather than make it of anything else? —Yes, not only the cheapest, but the best; they could depend upon keeping it in hot weather much better.

1847. Have you turned your attention to private brewers?—I have.

1848. How would you deal with private brewers?—I would charge them a tax upon the malt; years ago, when the duty was on beer, the private brewers used to have to get a permit from the maltster to have the malt fetched away; and if we were to return to that system again, the private brewer would pay equal duty with the public brewers.

1849. He would pay so much upon each quartee of malt delivered at his private house?—Yes, that would be so.

1850. I gather from your evidence that you think, even if the duty were placed upon beer, the repeal of the malt tax would be beneficial to all classes in this country?—I think it would be a great boon to us; the brewers and the maltsters and all would like it, if it was done; it would be a great boon to the landed interest and to the farmers.

1851. And it would be a great boon to the general public?—I think it would be a great boon to the general public.

1852. Sir *Edward M. Buller*.] Have you at all calculated in the event of the tax being put upon the brewer, what would be the amount of duty upon malt which you would require from the private brewer?—I presume that you would put the same tax upon beer as is now upon the malt; a quarter of malt which makes four barrels of beer, pays in round figures 22*s.* duty; that would be about 5*s.* 6*d.* per barrel. I should put exactly the same duty as now exists upon the quarter of malt which private individuals consume.

1853. You would not then reduce the malt tax at all as far as the private brewer is concerned?—No.

1854. In the event of the beer tax being imposed, you would propose to leave the private brewer exposed to all the inconveniences he has at present?—Yes, and no more; he would pay the duty on his malt as he pays now; it would not give him an advantage over the public brewer.

1855. Would you not give by that arrangement a very great advantage to the public brewers?—No; I think we should make them equal. The private brewer should pay the same revenue

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revenue to the Government, whether he brewed the malt or bought the beer.

1856. What would be the great advantage of that arrangement to the private brewer; according to your statement it would be none: I want to know what would be the great advantage to the public, or to the brewer?—It would be of no advantage at all to the public; it would be of advantage to a man who wishes to brew the malt in his own house.

1857. Any man may brew as much malt as he likes in his own house at present by paying a duty on the malt?—Yes, he can.

1858. You propose that the duty on malt should remain the same; because the tax upon beer would be an equivalent to the tax upon malt?—Yes.

1859. But the beer tax would not apply to a private brewer; he would pay a tax upon his malt according to your arrangement?—That is so.

1860. Therefore he would be in precisely the same position as he is in now, and would derive no benefit from the repeal of the malt tax?—He would not pay a tax upon his barley; but he would pay upon a quarter of malt fetched from his malt stores.

1861. In your opinion, it would be an advantage to the public to shift the tax from the malt to the beer?—I should say it would.

1862. Will you explain why?—Because malt would be used for many other purposes for which it is not used at present.

1863. The advantage would not accrue to the consumer of beer from that?—It would be used for feeding cattle. It would be an advantage to the consumer of meat, and also to the consumer of beer; and the brewer would use more malt to make the same quantity of beer of the same strength.

1864. Would it be of advantage to the public to have the duty charged upon the manufactured article rather than upon the raw material; the malt being nearer the raw material than the beer?—I think that the duty would be better charged upon beer, for the reasons which I have given.

1865. Are you an extensive maltster?—In malt.

1866. Supposing there were no duty, what would be the entire expense of converting a quarter of barley into a quarter of malt?—About 2*s.* 6*d.* per quarter; some more, some less It would depend upon the size of the house, the process of malting, and the rent and other things.

1867. Are you aware that there are different processes of making malt from barley, and that by some processes you can increase the quantity of outcast?—Yes, I am.

1868. Supposing you made that outcast large, to the extent of something like nine per cent., which is said to be the average outcast, that would be then sufficient to pay for all your expenses, would it not?—That depends upon the sort of malt you made.

1869. If you take my supposition, that you get nine per cent. more malt than you have barley, then it would pay all your expenses?—No, I think not. I have made this year two sorts of malt from the same barley; one has made no increase whatever, but rather a decrease, and the other has made a much larger increase than nine per cent; it has made an increase of 15 per cent.; there is a difference in drying.

1870. Fifteen per cent. is a great deal mor than 2*s.* 6*d.* a quarter?—Yes; but I make a di ferent price from the malt so produced; one is much superior malt to the other.

1871. If you made that quantity of outcas you could get a considerable profit by the manufacture, but your malt is not so valuable fo making beer?—If I sold the malt at the sam price, I should.

1872. By making of a quarter of barley int a quarter of malt, and getting nine per cent. o the outcast, that is sufficient to pay the whole c the expense of malting?—It would pay th manual expense of malting.

1873. Then when you make the other sort o malt, you get a higher price for your malt; an by that you get the profit which you would ge in the other by the outcast?—I think the outcas is a very varying thing; and you can hardly discuss it; when I say that I have made from exactly the same barley two sorts of malt, in th one there being no increase whatever, and in th other having an increase of 15 per cent., you wi see how that is.

1874. You are aware that in many parts of th country, with little maltsters, it was the custom to send a certain quantity of barley and receiv the same quantity of malt back without an charge at all?—It was not the custom in my neighbourhood.

1875. If they made malt according to the process by which they got nine per cent. outcast they could very well afford to do it; but they would make an inferior malt?—Yes, they would.

1876. It would be the interest, then, of th smaller maltsters dealing in that way, to adop that process of malting, which gives the greate quantity of outcast?—It would.

1877. If you are looking to your selling sample of malt, your interest would be to preven the outcast, in order to improve the quality of th malt?—No; it depends upon what the brewe requires; he wants different sorts of malt fo different purposes.

1878. Then you would take an order from you brewer for malt of a particular quality?—Yes, sometimes; and sometimes we make it withou any order.

1879. If you are making it without any specia order, would you make it by that process whic produces no outcast, or would you adopt th other process?—It would depend upon what expected my customers would want, and what expected would sell the best; just in the sam way as a man sows his field with barley, whe he expects barley will sell better than wheat.

1880. In some instances it would answer you purpose better to make the inferior malt, gettin a greater outcast, rather than make a superio malt and have no outcast?—It would in som cases.

1881. Major *Parker.*] I think you said, in answer to a question put by the Chairman, that i your opinion the abolition of the malt tax woul be of great advantage to the community generally?—Yes, I think it would; but the questio was also asked me in connection with shifting i from malt to beer.

1882. And you stated that the benefit to th public would arise in this way, that the brewer who make the beer generally would produce better article?—I think so.

1883. And you gave as the reason why the would produce a better article, that good genuin

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alt would be the cheapest material that could be sed for the making of good beer?—That is).

1884. And that you thought under the present stem, by reason of the dearness of the malt, ople were tempted to use other ingredients, d an inferior description of beer was produced? -Yes, in some cases.

1885. And that by the abolition of the malt x, malt would be the cheapest thing they could e, securing to the public the best description of er?—I would not say the cheapest thing, but would be cheap in comparison with what it is w.

1886. Mr. *Henry Surtees.*] Do you consider at the malt tax obliges the maltster to have a ger capital than would be necessary if the lt tax were repealed? — My answer to the airman's question was, that I think it was in e proportion of about 12 to 20.

1887. Maltsters have often been obliged to pay duty before they receive payment for the lt, have they not?—Yes, the greater portion them do.

1888. Do you know what articles are used in adulteration of beer?—No, I could not speak that.

1889. If the malt tax were repealed, do you nk it would lower the cost of malt to a greater tent than the amount of the duty?—No, I do think it would.

1890. Do you ever employ a malt factor?— metimes.

1891. How does he conduct his business?— is a commission man to go between the man o sells the malt and the man who wishes to .

1892. Whom does he charge with the com- sion; the maltster or the brewer?—The seller; t is the London custom.

1893. What is the mode in which he conducts business with regard to payment; does he ome responsible for the money to the maltster? It varies; sometimes he does, and sometimes does not.

1894. Do the factors sometimes fail?—They

895. If they fail, does the maltster lose his ney?—He does.

1896. The malt factor is called a tranter, is he ?—That does not apply to malt; it applies barley.

1897. He is called a tranter of barley?— s.

1898. Is a tranter, a man that buys barley m the farmer to sell to the maltster?—He is.

1899. And he gets a commission on that opera- n?—Yes, he does.

1900. And the malt factor gets a commission the sale of the malt?—He does.

1901. That being on the sale of the value of malt and the duty?—Yes.

902. Therefore if the malt duty were re- led, that commission on the duty would ish?—It would.

1903. So that to a certain extent the com- sion must add to the price?—Yes, where it is rged by per-centage.

904. Is a per-centage the usual way of pay- nt?—No, it is sometimes charged by per- tage, but very often by so much per quarter.

905. Mr. *Read.*] I think you said, with erence to the beer tax, that if it were to pro- e the same amount of revenue as the malt tax does on an average of years, it would first of all be a benefit to the farmer, because he would have a better demand for his inferior description of barley, and he could use malt for feeding stock?—Yes, I did say so.

1906. With regard to the maltster, you said that he would be free from the vexatious interference of the exciseman, and that he could have one-third of his capital to employ in increasing his business?—Yes, I did say so. I should like to remark here that I think the excise study to annoy as little as they possibly can; they collect the duty with as little interference to our business as possible, but still they do necessarily interfere with our process in malting inferior and some other sorts of barley.

1907. In the process of manufacture, you find the excise restrictions more tiresome when you use inferior barley, than when you malt the best barley?—I think that upon the inferior barley the excise restrictions are very vexatious to us, such as on a change of weather, and at other times, too.

1908. To return to the beer tax, you stated that the public would be benefited by having a better description of beer. Do you mean that you would make malt so cheap, that it would hardly answer to adulterate beer as at present?—Yes, to a certain extent we should. We should malt in a better way. We should get a little more benefit by not being interfered with by the excise.

1909. I talk of the public, would the public get a better article?—I think so.

1910. Would it displace the use of sugar in breweries if malt were made without any duty? —I cannot answer that question; because I do not know what the future price of sugar or malt would be; but it would assist in doing it.

1911. If malt were 1 *l.* a quarter cheaper than it is now, do you think it would drive sugar out of the market?—If malt were 1 *l.* cheaper than it is at the present day, and sugar were at the same price, no sugar would be used.

1912. What benefit would the repeal of the malt tax be to the public brewer?—It would cause a greater consumption of beer.

1913. You stated that you made two descriptions of malt from the same sample of barley, one producing no increase, and the other producing an increase of 15 per cent.?—Yes, I did.

1914. Will you tell us the relative price at which you sold the two samples of malt?—The one that produced 15 per cent. increase was dried by wood; it was longer grown on the floor, and was manufactured differently. It is used by brewers in a smaller degree. It was sold to several different brewers. I could not answer the question more clearly than this, that it paid me about the same profit each way.

1915. That malt from which you got 15 per cent. increase was what we call brown, or porter, malt, and was grown up by excessive heat. For instance, what we call grinding barley varies exceedingly in different years. The last two years there have been malting barleys that four or five years ago, when the barley crop was prolific, you would not have thought of looking at it as a maltster?—Yes, to some extent it was so the year before last, and last year also; but we had but a very little grinding barley last year.

1916. That is to say, that the whole of the crop was malted?—The whole of the crop last

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year was above the average in quality; a great proportion was malted.

1917. But there was not a large crop of barley grown last year, was there?—Yes there was.

1918. Then, notwithstanding there was a large crop, it was almost all malted?—It was not all malted; a great proportion was malted.

1919. There was one answer which I did not exactly understand; you said, by growing wheat instead of barley, you grazed less mutton, how was that?—It means this; that by the process of cropping we would get more roots to prepare the land for a crop of barley than we would to prepare for a crop of wheat. I could not have turnips upon the land if I wished to sow wheat on it, but to sow barley in spring I could have turnips on the land all the winter.

1920. If you had a private brewer paying the malt tax, how would you prevent him from defrauding the revenue; would you have all maltsters still take out a license if there was a beer tax, and make a return to the Government of the quantity made, and where they sold it?—I have only been asked the question this morning, and I have not had sufficient time to mature an answer; but I have no doubt a very good check might be devised for it without any great vexation to the private brewer. You have a similar instance now in the collection of the income tax. You cannot escape from frauds; but the machinery is much more annoying in the collection of the income tax, than it would be to have an exciseman in a private brewhouse.

1921. You do not think it would do for a private brewer to make a return of the quantity of malt that he uses, in the same way that he now makes a return of the amount of his income?—Yes, I do. I would suggest that a private brewer should make a return of the quantity of malt he brews every year, and from whom he buys it.

1922. You think that would be rather preferable to his paying the malt tax when he goes to buy the malt?—I do not say preferable; but I would have both.

1923. Why would he want to pay both?—I did not say both. But you are asking me questions upon a thing which I have only just thought of.

1924. How would you levy the tax upon the public brewers; would you have it upon the strength or upon the quantity?—The same as they do now upon the hop tax, or the same as it was taken 30 years ago. I am not a brewer, and I do not know how the Excise acts.

1925. But the old beer duty was collected upon two different qualities of beer?—I think it was.

1926. Small beer and strong ale?—I think it was.

1927. Mr. *Arthur Peel.*] Is it your opinion that the malt tax operates injuriously upon the maltsters, because it presses equally upon the inferior and superior barleys?—We cannot well equalise it, although we make by weight.

1928. Is that a common practice?—Yes; where people make low descriptions of malt, they use the Act to make it by weight. I do think it is an injury to the maltster to prevent his making malt in the way he otherwise would, if it were not for the rules of the Excise.

1929. Why does he not take advantage of the Act?—He does.

1930. Then how does he suffer?—Because he must follow the rules of the Excise.

1931. Your objection, in a maltster s point o view, is as to the Excise regulations?—Yes.

1932. You do not consider the Act operate harshly?—Not so much as it used to do. I thin the Excise study to make the regulation as littl obnoxious as they can. But they do check th maltsters in their operations, and act most injuriously. For instance, in very warm seasons you are obliged to keep the malt 20 hours closely packed together after the water is drawn from it in the conch; whereas we should not keep i above two or three hours, but take it out directly.

1933. What would be your opinion as to th judiciousness of having the tax upon raw barley instead of upon the malt?—I have not thought of it: but there would be objections to it.

1934. You told us that in case the malt tax were repealed, there would be a benefit to the maltster, to the brewer, and to the general public?—Yes, I did.

1935. I should like to take the case of th maltsters; how would the maltster be benefited? —Because they would be allowed to manufacture their malt as they pleased and thought best.

1936. But what do you say with reference to ousting the smaller people in the trade?—I think the smaller men would have a fair fight with the big men.

1937. You think the smaller men would come in if the malt tax were repealed?—I do not think so. The man who has the largest capital, whether in making malt or in any other business, would always do the best business.

1938. If the malt tax were repealed there would be a larger amount of capital in the trade in nearly the same number of hands as at present?—It would not take the same quantity of capital to make the same quantity of malt; because we have to find capital now to pay the duty.

1939. You do not think the poor men, that is the labourers, would brew their own beer?—I do not think that cottage brewing would be practised to a great extent; the science of brewing has progressed a great deal these last few years; a public brewer can brew cheaper than a private brewer can.

1940. I have heard it stated that if the malt tax were repealed we should have a greater free trade in beer dispersed over a larger number of people. But it is not your opinion, is it, that there would be a larger number of people employed in the malting trade?—Yes, I think there would be.

1941. Do you think there would be a considerably larger number?—Yes; we should want more men and make more malt; and, I think, there would be a larger number of men employed in the trade.

1942. But there would always be an advantage obtained by capital, and plant, and skill?—Yes; I think especially in brewing; and that would prevent private brewing.

1943. Why should the brewers brew better beer if the malt tax were repealed; the inferior barleys would be used; therefore why should the quality be better?—Because malt would be cheaper.

1944. It would not be better beer, would it?—Yes. My opinion is that beer made entirely from malt is better than from several other ingredients.

1945. I thought that the evidence was to the effect ct that the brewers did not adulterate?—I :k they do in some cases.

946. I thought the adulteration was done at public-house?—So it is, at the public-house.

:947. Is it your opinion or not that we should better beer if the malt tax were repealed?— ink we should get better beer.

948. Is your main reason that the induce- t to adulteration would be removed?—I think of it would be removed.

949. Mr. *Benyon.*] But you think it would remove the adulteration that takes place in public-houses?—No, it would not.

950. And therefore, if a great source of adul- tion, the beer that the labourers would drink ld not be improved?—No; unless they ght it direct from the brewer.

951. Which they do not do?—In many places do now.

952. Then they have good beer at the present ient?—If the brewer does not adulterate, it

53. I suppose your objection to the tax upon raw barley would be that it would not set malt for feeding purposes?—Yes.

54. One great reason which you have now bolishing the malt tax is, that not only would prove the quality of the beer, but would set malt for other purposes?—Yes.

55. And a tax upon the raw material would ffect that object?—No, it would not.

56. You were asked about the increase that gained by the outcast. I presume, from the ers that you gave to Mr. Read, that the ase upon the outcast is obtained at the ex- of the quality of the malt?—Nearly always.

57. Therefore if you got an increase of the st you would sell the malt at a reduced ?—We should.

58. Therefore the whole transaction would n being about the same price in either case, her you made the malt with a very small ase, and obtained a better price for it, or her you made 15 per cent. increase, and got se price for it?—That would be so.

59. Therefore the increase of outcast is no whatever to the profit that the maltster can ?—That is very nearly a correct statement that point.

30. Mr. *More.*] Do you consider adultera- at the public-houses very great?—I could eak to it.

31. Do you think that cheap beer is the best ntative against adulteration?—Yes, I do.

62. Do you think the farmers would gene- use malt for feeding purposes if the malt vere repealed?—Much more generally than do now.

33. Supposing they make use of the malt ut the restrictions of the Bill with which re familiar, do you think malt would be at resent time extensively used for feeding ses?—Yes, I think it would be much more than it is now. I do not know of any place neighbourhood (and that is one of the largest ng neighbourhoods in England) where you et malt for feeding purposes. It is fre- ly the case in the winter that the farmers l use a bushel or a small quantity for feeding ses, and cannot get it; that is in the case ness in horses or cattle.

34. Why cannot they get it?—They do not where to go to get it; and if they did, it xed with linseed.

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1965. Does its mixture with linseed prevent its general use?—In many cases it does.

1966. If the restrictions were removed, do you think it would be much more generally used for feeding purposes?—Much more than at present; I sometimes use it now, and pay the duty on it.

1967. For what class of animals do you use it?—For small animals.

1968. Do you use it for feeding purposes, or only medicinally?—Medicinally; I cannot afford to feed pigs with it in the usual way.

1969. *Chairman.*] If there were no duty upon malt, you think it would be generally used more for feeding purposes?—I think it would be used much more than it is now.

1970. What is the price of the malt on which there is no increase, and what is the price of the malt on which there is 15 per cent. increase, taking the best barley at 40*s.*?—It varies continually; taking the best barley at 40*s.*, we should sell our best malt as low as 64*s.* sometimes.

1971. And taking it at the same, what would be the price of the malt on which there is 15 per cent. increase?—That I could not answer; because I do not know what the price of the barley would be.

1972. Mr. *Read.*] Did not you say that you got the same profits from both barleys?—Yes.

1973. *Chairman.*] What price do you charge for the malt on which there is 15 per cent. increase?—I cannot answer that, it varies continually.

1974. You would not charge 64*s.* for it?—No; 55*s.* or 56*s*; it depends upon the quality.

1975. Would there be as much as 6*s.* to 8*s.* difference between it and the other malt?—I could not answer that question; our brown malt now is worth 58*s.*, and our other fair runs of other malt are worth about 72*s.*; that is the nearest way I can put it; the best brown malts are making 61*s.* or 62*s.*

1976. What do those best barleys cost you?—I cannot say.

1977. Supposing the malt tax were repealed, and there was a tax upon beer you have told us that there would be a great increase in the consumption of beer made from malt?—That is my opinion; I should like to see it tried.

1978. In fact, there would be a greater consumption of beer altogether?—I think so.

1979. If that was the case, and we only wanted to raise the same amount of revenue, of course the tax upon beer would be decreased according to the amount of revenue which you wished to raise?—Yes.

1980. And that could be much more easily done, could it not, than even taking off half the malt tax?—I think so.

1981. Because in the one case you must have a supervision over all breweries as there is even at the present moment; in the other case, if you were to decrease the malt tax, you still have to keep up a most expensive system with regard to the Excise inspection, and the decrease of the malt tax would not benefit those who are asking for the repeal of it?—That is exactly the view I take of it.

1982. You say that there would be no difficulty about a private brewer; would you tax cottage brewing at all?—Yes, if I taxed one private brewer I would tax all.

1983. Sir *Edward M. Buller.*] When steeped barley is measured in the couch, there is an allowance

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allowance of 18 per cent. on that quantity as it exists in the couch; is not that so?—Yes.

1984. Did it ever happen to you that you paid for more quarters of malt than you obtained; for instance, if you had 118 quarters of malt in your couch, did you ever obtain less than 100 quarters?—I have never checked it in that way.

1985. It would be possible to obtain a profit on the transaction, where you receive the barley and give back the same quantity of malt, provided it be malt on which you obtained a great outcast; for inasmuch as you get a much higher price for the malt on which you obtain no outcast, you could have no difficulty at all in receiving barley from your customer, and giving him malt of a lower quality and obtaining the same profit?—I do not think my customer would keep to me long in that case.

1986. It would be better, then, to have this barley at 58 *s.*, and sell your malt at 72 *s.*, than to obtain a greater outcast?—In the neighbourhood in which I live it is not done in that way.

1987. It would be perfectly possible to give a brewer malt which gives you a great outcast in exchange for barley which you would convert into malt of the highest quality?—It would be so manifestly unfair and dishonest that I should think men would not put up with it.

1988. If you could obtain your profit by means of an outcast upon a particular process of malting, you could obtain your profit by the increase of price on the other process of malting?—Yes; but it would be impracticable to do so; because the men would not use that class of malt for private brewing.

1989. It might be said, with some degree of truth, that the process of converting a bushel of barley into fair malt costs nothing, inasmuch as you obtain a profit either by the outcast, or by the greatly increased value which you obtain by the process of malting?—No; taking the pale malt which I have made, the increase does not pay the expenses.

1990. Supposing you sell 10 quarters of malt at 72 *s.*, you would obtain a higher profit than if you sold 10 quarters at 58 *s.*, obtaining an outcast of nine per cent.?—I have not said that; I could not answer that question. The increase of price on the increase in measure does pay for the labour, certainly.

1991. If, in converting barley into malt by one process, you obtain an outcast of nine per cent., which is ample to pay all the expense of malting, so by the other process you get a greater increased price upon your malt which would stand in the place of the outcast?—If it were not so we could not carry on the business.

1992. It comes to this; that if there were no malt tax you would be able to convert a bushel of barley into the same quantity of malt without expense?—I do not say that.

1993. I understand, when you get a particular quality of barley for making malt, that by one process you get an outcast of nine per cent., and by another process you get no outcast at all; but that it would be more to your interest to make it according to the process which yields no outcast; because you obtain an increase in price rather than by the other process, which makes the greater outcast, because you get an inferior price?—Sometimes it pays one way and sometimes in another.

1994. If in one case the outcast is sufficient to pay the expense of malting, and in the other case the increase of price would equally pay, you can get your profit one way or the other?—We t to do so.

1995. You might take barley and return mal —Yes.

1996. What is the malt used in the manufa ture of beer; is it the higher or the lower cla of malt?—The lower class of malt.

1997. The brown malt?—The lower class malt.

1998. Malt at 58 *s.* a quarter would make go porter?—With some other mixed with it; b there are several other malts between tho two.

1999. The malt used for porter is generally an inferior class?—Yes, it is.

2000. Mr. *Read.*] I think yon said that sor labourers now buy their beer direct from t brewer?—That is so.

2001. Do you mean agricultural labourers artisans in town?—Artisans in the country ar agricultural labourers, also.

2002. What price do they give per gallon f the small cask?—Sometimes 1 *s.* 3 *d.*, and som times 1 *s.* a gallon; but in the neighbourhood which I live, farm labourers will take the who produce of a farm to cut down at a harvest, ar buy their barrel of beer direct.

2003. A barrel at a time?—Yes, 10 or 12 me buy it between them. I have often converse with them, and they say they get better be than by going to the public-house.

2004. Should beer, by the repeal of the ma tax, be one-third less in cost, you would consid that that trade would be greatly developed?- Yes, it would.

2005. Rather than the public-house trade?- Certainly, I do.

2006. Mr. *Arthur Peel.*] Is a difficulty no put in the way of giving malt to cattle a grea grievance?—To the grazier it is.

2007. You said that you live in a great maltin neighbourhood; and that the farmers did no know where to go to for malt for their cattl why do not they go to the maltsters?—Becau you cannot make malt for cattle unless you hav the house entered in order to do so.

2008. If a farmer has his cattle ill, why do he not buy his malt duty on it; is it that it too expensive a medicine?—Yes.

2009. Would it pay you to give it with th duty on it?—In very few cases.

2010, Mr. *Read.*] In cases of illness you woul give it?—Yes.

2011. Mr. *Benyon.*] I think at the prese moment, the best malt is 72 *s.*, is it not?—Th beat is more than 72 *s.*, but there is very good ma at 72 *s.*

2012. That was made from barley which pr bably cost about 40 *s.*?—More than that.

2013. Forty-four shillings?—Yes, and some 48 *s.*

2014. I will take 44 *s.*; the duty is 21 *s.* 8 and your expenses are 2 *s.* 6 *d.*?—Yes.

2015. That 2 *s.* 6 *d.* includes interest on capit invested?—It does.

2016. Therefore, adding those together, it a pears to me that you buy at 68 *s.*, and you sell 72 *s.*; and as you make 24,000 quarters of ma a-year your business brings you in a net profit 6,000 *l.* a-year?—You are taking one instanc Let me give you another. I bought a carg barley, which cost me 48 *s.*, and I sold the malt 66 *s.*

2017. Mr. *Read.*] That would reduce yo

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ge profits to 2 *s.* 6 *d.* per quarter, would it
—Rather less than that.
18. Mr. *More.*] You said that if private
ers were to be taxed, you would tax cottage
ers?—Yes.
19. Do you think if the malt tax were re-
d, cottage brewing would be so prevalent,
if you did not tax the cottage brewer a
is loss would be occasioned to the revenue?
o not think it would. I think the science
ewing has got so near perfection, that the
c brewers can brew and get a profit, and sell to the cottager at less than he can brew it himself.

2020. Do you think cottage brewing would be very prevalent if the malt tax were repealed?—I think not.

2021. Then where would be the necessity of taxing them at all?—It would be unfair to let a man brew in a cottage duty free, and not in a mansion duty free.

2022. Do you know that the labourers are untaxed in Prussia, where they brew?—No, I do not.

Mr. Thomas Pitts, called in; and Examined.

Mr. *T. Pitts.*

3. *Chairman.*] I think you live at Ply-
?—I do.
4. You are a maltster and merchant, are you
—I am.
5. I think you malt about 6,000 quarters
ley a-year?—About that.
6. I may say that you are one of the largest
ters in that part of the country?—I am.
7. I believe they are not such large malsters
west as they are in the neighbourhood of
, Newark, and other places?—They are

8. You buy a large quantity of barley at
r, and that neighbourhood, do you not?—

9. It is a very good class of barley which
uy there?—Very good.
0. It is a class of barley that would be sold
Burton brewers?—It is.
1. In fact it makes the best sample of malt,
t not?—It makes as good malt almost as is
in any part of the kingdom.
2. Is Devonshire, generally speaking, a
country?—No.
3. Is it too wet a climate that it will not
well?—The soil is very varied; it is not so
n soil as the soil of the eastern counties; we
a great deal of grass and moor land; we
ly have two fields alike.
4. Still in the neighbourhood of Exeter
is some good barley land?—There is.
5. Do you invariably buy the best quality
ley, or do you sometimes buy the second
s of barley for malting purposes?—
uy a large quantity of second-class barley;
our own immediate neighbourhood we have
l-class barley.
6. Do the brewers in your immediate
bourhood buy malt made from second-class
?—They do.
7. Do they find it makes equally good beer
he first-class barley?—There is less ex-

8. I suppose it commands a proportionately
ice?—Yes.
9. The beer brewed from that class of bar-
n be made and sold cheaper than beer
d from the higher class barley, can it not?
ink the price varies according to the

0. Then it would be cheaper?—It would
less price, but not cheaper; the greater
ty of extract and the quality would be
nsurate with the price.
1. Do you think that if the malt tax were
ed, there would be a much larger quantity
nd-class barley malted than there is at the
t moment?—I do.

2042. Do you think there would also be a much larger quantity of barley grown in this country than there is at this present moment?—Barley as a rule sells well in comparison to other grain; it is a well known fact, that we cannot grow barley enough for our consumption as maltsters, because we import a large quantity from abroad. The Saale barleys, and that which comes from France, we get in large quantities, but this year the foreign barley has failed; that is the reason why we pay a comparatively high price for barley.

2043. Do you know enough of English agriculture to be aware that in some districts, not supposed to be barley growing districts, barley is not now grown, but that wheat and oats are substituted for barley; and are you aware that evidence has been given us, that if the malt tax were repealed, the farmers would grow the crops in their proper rotation, instead of the crops which they now grow?—I cannot answer that question.

2044. What effect do you think the malt tax has upon the price of barley; has it the effect of increasing or decreasing the price of the best barleys?—It rather tends to decrease the price; if the duty were off, it would give an impetus to barley, and give trade also greater freedom; I think we ought to trammel trade as little as possible, especially in articles of great consumption like that.

2045. Your opinion is, that the malt tax does affect both the best and the inferior qualities of barley?—Yes.

2046. And if the malt tax were repealed, both the best, and certainly the inferior qualities of barley, would be at a higher price than they are at the present moment?—I think the saccharine matter from barley would be the best and cheapest for making beer, if the duty were off.

2047. Is it your opinion that the consumption of malt, supposing the duty were off, would be much greater, and that sugar would in proportion be much less used than it is at the present moment in brewing beer?—It is.

2048. Do you consider the revenue injured by charging the duty on sugar by the hundred weight?—I am not aware of the difference of duty, but from conversation which I have had with excisemen, they tell me that they have brought it about equal; but I think barley certainly ought to have the lesser duty of the two, if brought in competition with sugar; I believe now it is about the same, or if there is a variation at all, it is against malt.

2049. If the duty were taken off malt, and were placed upon beer, and the import duty remained upon sugar, you think that malt would be

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be used by brewers in preference to sugar?—I do.

2050. Consequently, there would be a large increase in the consumption of malt, would there not?—There would.

2051. What do you think is the feeling of the trade with regard to the abolition of the duty?—The feeling of the trade is, that we would rather have it off, because we would like to carry on our trade with perfect freedom.

2052. I ask you pointedly, do you know that that is the opinion of the trade generally, or is it the opinion of the trade in your part of the country?—I take that as the general opinion; it is the opinion that I have heard from many.

2053. You think that if the malt tax were repealed it would be a benefit to the maltster?—I do not know that it would be a benefit; we should have the same competition as we have now, but we should be able to carry on our business without the annoyance of the exciseman; we should not make bad debts as we do now. We have now to trust the customers for the duty as well as the barley, whereas that would be then saved.

2054. Do you find the Excise regulations and restrictions very onerous, or not?—They have improved of late; we do not find them now very onerous.

2055. You find, generally speaking, that the excisemen do their duty fairly and straightforwardly on their part?—As a rule they do. I have had causes of complaint, and I have had to go to the Board of Inland Revenue to complain of an excise officer, and they have had him removed.

2056. That you are liable to if they act up to to the strict letter of the law?—We are liable to it.

2057. Are you tampered in your trade by the Excise restrictions; that is to say, could you improve your process of malting, supposing there were no Excise regulations to find you?—We could a little, but not much; for instance, being obliged to keep the barley in the couch, especially in the spring of the year, is injurious to it. We are obliged to keep it in a certain number of hours by law; "if it could be done away with it would be a great benefit to us."

2058. You mean in warm weather?—Yes.

2059. Do you buy much foreign barley?—Yes, very often.

2060. What has been your experience of the foreign barley which you have bought?—Some of them make very good malt, especially the Saale barley.

2061. Do you think that if the malt tax were repealed we should have larger quantities of foreign barley than we do now?—I should think it very likely, because the consumption would be greater, and we must get it from some place. If it is not produced in England it must come from abroad.

2062. Do you think that if the malt tax were repealed that malt would be made abroad and imported into this country, or that barley would still be imported from abroad and made into malt in this country?—I think our climate is more adapted for making malt than the Continent, but in the eastern part of the Continent perhaps they could come into competition with us; I should think they would.

2063. It was stated by one witness that the severe frost in the north of Europe would very much damage and prevent malting operations there; is that your opinion?—Very changeab weather, such as severe cold or heat, is very i jurious to malting.

2064. But even supposing a very large qua tity of barley were imported into this countr and a very large quantity of malt as well, would naturally benefit the public, would it not —No doubt of it.

2065. If there were a greater quantity of ba ley and a greater quantity of malt imported an used in this country, it would naturally tend cheapen beer?—Certainly.

2066. Now, I asked the last witness, wheth it was an exaggeration that 100 bushels of barle would make 109 bushels of malt?—That is l being blown; the excessive heat blows the grai up. It is called blown-malt; that is, sold at much less rate than the pale malt.

2067. Is it or not your opinion that if any or gave you a bushel of barley you could return hi a bushel of malt without a charge?—I should n like to give that much of close screened malt. Th Newark maltsters and the Ware maltsters wor on different principles; the Newark maltsters g more increase than the Ware maltsters do o account of growing the acrospire longer, whic causes the grain to increase in size; the Ware me do not care about growing the acrospire so long;

2068. Taking one custom with another, wha should you say would be the increase, generall speaking, on 100 bushels of barley?—If it a grows, you would get three or four per cent. sometimes you do not get any, and sometim there is a decrease, if it is very bad barley.

2069. I asked another witness whether the a lowance in the couch was not 18 per cent. after th barley had been wetted; is that so?—It is.

2070. Then the duty is charged, deductin 18 per cent., from the quantity that there may b in the couch?—It is.

2071. Supposing you wet some barley 40 hour and you wet other barley 70 hours, that barle which you wet for 70 hours would increase mor than the barley which you wet for 40 hours?—Yes.

2072. And there might be an increase of 3 per cent. in that barley?—It makes a very grea increase.

2073. And do you say that when there is greater increase no deduction is made greate than 18 per cent.?—No.

2074. Consequently, the barley that increase so much pays more duty than the barley th does not increase so much?—It does.

2075. The barley that increases so much i generally speaking, the inferior barley, is it not —The reason for steeping 70 hours is, that th barley is of a stubborn nature; that is the diff culty the maltsters lie under. There ought to l no difference in the charge, whether we steep or 50 hours. I think it ought to be altered.

2076. That is, the inequality is against tl inferior class of barley?—It is. The object the law is, that you shall pay on dry barley. Y are supposed to bring malt back to the state dry barley.

2077. We have heard a good deal about th duty upon beer, have you turned your attentic to that at all?—Not much.

2078. Do you think it is fair to charge a du upon the malt, or upon the manufactured a ticle as other duties are generally charged?— think that while you keep the duty on it is bett to charge it upon the malt than upon the be the

is a great difficulty in charging it upon the
I should not like to have the burden
ed; I think it would be a grievance rather
a benefit.

79. Your opinion is, that the tax should be
off, but that it should not be put upon
hing else?—It is. I think the poorer classes
ıore highly taxed than the middle classes, by
reduction of duty upon wine; they have
causes of complaint, and I think their na-
l beverage is more highly taxed than any
beverage.

80. And you think it ought to be taken off?
lo.

81. Sir *Edward M. Buller.*] Eighteen per
is allowed for the barley charged in the
?—Yes.

82. Have you ever paid for more bushels of
than you have obtained?—Yes, I have.

83. Have you ever got from 118 quarters,
hich you have paid tax in the couch, less
100 quarters?—We have paid more tax
malt than we have wetted barley.

84. That is not my question. I want to
whether you have ever obtained less than
uantity of malt you have paid for; if you
paid for 10 quarters of malt measured as it
the couch, have you ever got less than 10
ters?—Yes; because, as I said just now, we
times have a decrease in the malt. If it
not vegetate well we get a decrease.

85. We will say that 118 quarters is the
tity you have in the couch, the exciseman
es it and charges you for 100 quarters; do
ever get less than 100 quarters of malt out
at quantity?—I do.

86. You get less than 100 quarters of dried
?—I do.

87. Therefore you actually pay more than
8 *d.* for duty?—Sometimes it happens so.

88. Would that be frequently?—Not very
ently.

89. What would you give us as the extreme
s you have paid over the quantity that you
obtained?—As a rule, I should think we
ff with about the quantity charged for.

90. You think it is fair, and that there is not
to be said against that mode of taxing it?
; the malt laws have been altered so many
, that I think they have got them now as
perfection as they can get them.

91. You said that you would rather have
ax upon malt than upon beer?—I think it
ier levied.

92. You are aware that inasmuch as you, as
ltster, pay the tax, you do not merely charge
customers with that tax, but you charge a
t upon the money so employed?—That

93. And therefore the more hands that tax
s through, the larger the amount is that is
ıcted from the pockets of the consumer, in
ortion to that which finds its way into the
sury?—The malting trade is cut so close
that you may call it a bad trade.

94. You must admit that my view is cor-
—Yes; but the competition is very great.

95. If you employ capital in paying the tax,
must charge to your consumer, not only that
ıy, but your interest and profit upon it?—

96. And that is at the same rate as you
ılated your interest and profit on the rest of
trade?—Yes.

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2097. Lord *Eustace Cecil.*] Do you find that the use of sugar by brewers at all interferes with your trade?—It does.

2098. Have you found that more particularly within the last year or two?—Very much within the last year.

2099. And you suppose, if there was a repeal of the malt tax, that it would add to the profits of your trade very considerably?—It would increase the consumption, and we are supposed to get a profit from it.

2100. When you say that the consumption of beer would be increased, do you think that it would be by the public brewing in their own cottages?—There is very little private brewing going on now.

2101. Do you think if the malt tax were repealed that the private brewing would be increased?—I do not think it would.

2102. You think that the advantage would be entirely in favour of the public brewers, the maltster, and the publicans?—The public would get the benefit of it; they would get a cheaper article.

2103. And as far as private brewing is concerned, how would it affect that?—The more you untrammel the trade the better it is.

2104. And the public would not only get a cheaper article by the repeal of the tax, but they would get a cheaper article with the economy of private brewing, instead of buying it from publicans and brewers?—They would.

2105. There was one witness who stated that he would prefer the tax upon raw barley, instead of upon malt or upon beer; would that coincide at all with your views?—I do not know how he would levy it, without it is with the same machinery that you have at present; that is, you charge it upon dry barley when you put it into the cistern, instead of in the way you do now.

2106. He did not proceed into details; he merely said that it would be preferable to him to have the tax either upon the raw material or upon the completely manufactured article instead of upon the article in a semi-manufactured state?—That matter has been, no doubt discussed in the operation of the malt laws, and they find that the present operation is the best.

2107. Would that be coinciding with your views or not?—I should like to have the dry barley charged.

2108. You prefer to have the dry barley charged instead of the malt?—I do.

2109. And you prefer to have the beer tax rather than the malt?—I did not say that. I do not see how you could charge the beer to take in every class; there are difficulties in it.

2110. There may be difficulties in it; but I ask your opinion as a maltster, whether you would rather have a tax upon the raw article or upon the completely manufactured article rather than upon the semi-manufactured article?—I can hardly give an opinion upon that.

2111. Do you know anything about the adulteration of beer?—I do not.

2112. Major *Parker.*] Does private brewing prevail to any extent in your neighbourhood?—It does not.

2113. Something has been said about the effect of the weather in the malting process; should you have reason to suppose that, consequent upon a sudden change of temperature, it would be desirable at once to interfere with your steep, which the Excise regulations would in any way

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prevent your doing?—Only in the way I have just stated that they compel us to keep it in the couch a certain time, but they have relaxed it much of late; they used to make us keep it in a longer time a few years since; the Excise have altered that, and, I think, if they were to give us a little more liberty it would be beneficial to us.

2114. Would it be necessary to refer to them before you made any alteration or disturbed the steep in any way, or could you do it of your own free will?—We cannot do it now without the Excise permit us to do it.

2115. Then, in a matter of such importance where the success of your business must greatly depend upon the weather, do you not look upon it as a very great hardship?—Not very.

2116. Mr. *Henry Surtees.*] Do you know anything about foreign malt?—I have never seen foreign malt.

2117. You have no experience as to the manufacture of it?—I do not think that there is any foreign malt imported.

2118. Nor as to the mode in which they make it abroad?—No; I do not know.

2119. Do you buy foreign barley?—Yes, sometimes.

2120. Is there as much extract in malt made from foreign barley generally, as in the malt made from the English barley?—No, not generally; the English barley is the best barley; some of the Saale barley give an equal extract to our best barley.

2121. With regard to the cost of beer, what is the usual price that the principal consumers of beer pay in your part of the world; I refer to the agricultural labourer?—There is very little beer consumed by agriculturists in our neighbourhood; there is a large quantity of cider used.

2122. What do the publicans pay? — Forty shillings for fourpenny, and 60*s.* for sixpenny beer.

2123. About 36*s.* a barrel?—That is sold to the publicans at about 30*s.*

2124. And they sell it at 36*s.*?—They retail it at 1*s.* a gallon.

2125. Can you give the Committee any opinion as to what portion of the 1*s.* a gallon is attributable to the malt tax; I do not mean simply the malt tax portion of it, but the increased price in consequence of the malt tax?—That is a matter which I have not studied much, but I should think one-fifth. I have not made a calculation, therefore I should not like to say.

2126. Have you considered the simple addition of the charge of 21*s.* 8*d.*, the amount of the duty?—It is well known if brewers had to buy their malt, they could get it at 21*s.* 8*d.* cheaper.

2127. Would not they get it much cheaper even than 21*s.* 8*d.*?—They might get it; of course, there is the interest of the money to be considered, and they would lower the beer to that extent.

2128. Have you stated the different processes which the Excise officers go through in your malting-houses in gauging the amount of your malting grain; I believe, at present, they gauge it in the couch?—They do.

2129. Do they not also gauge it on the floor?—They are continually gauging it, but the duty is generally charged from the couch, the other is mostly superficial to prevent fraud; to prevent running, that is illicit steeping and mixing with that upon the floors; that is having a private steep in another place, and bringing it on the fl while in action.

2130. They continually gauge it on the floor—They do.

2131. Do they take any account of it after is put on the kiln?—Yes, and if after cert allowances they find any increase in any part the process, they charge it from the highest po at which they can get it; and it is looked up that in case they get floor charges as a rule, th there is something wrong going on; that is why should like the malt tax taken off, that we shou not be subjected to illicit making going on; mean that we should not be subjected to co petition in that way.

2132. There are cases in which the Exc officers suspect people of treading the couch? Yes.

2133. Have you had any cases of that sort your part of the country?—No, we have not.

2134. Mr. *Read.*] Is your barley in th west of England, heavier or lighter than that fr the east?—As a rule, it is lighter.

2135. Do you adopt Mr. Gladstone's Malt Weight Bill?—I do not myself; I screen and e deavour to get it up to the weight allowed, whic is 53 lbs.

2136. Is that Bill adopted in your neighbou hood?—It is adopted, and it is a boon to th growers of light barley.

2137. Is a large quantity of cider used b agricultural labourers, in your neighbourhood?—Yes,

2138. Is the quantity made on the increase—No, it is about the same.

2139. That of course pays no duty?—No, i pays no duty.

2140. Do you think it competes unfairly wit beer?—It does; it is a strong competitor wit beer in our neighbourhood.

2141. *Chairman.*] Is cider given as part o their wages to the agricultural labourers in you part of the country?—It is given by a grea many.

2142. Do you know what quantities of cider are given?—A quart a-day generally.

2143. What are the usual wages that are given?—From 10*s.* to 12*s.* a-week, I think.

2144. Supposing cider were not given, wha wages would be given?—I do not know.

2145. What is the price of a quart of cider?—Threepence.

2146. Do most of the farmers make their ow cider?—Most of them; if not, they all kee it.

2147. What sort of a license is necessary t sell cider in the beershops?—Not much.

2148. Is there any license necessary?—I thin there is.

2149. But what that license is you do n know?—I do not.

2150. Can anybody sell cider?—Yes.

2151. Then, in fact, there is free trade in cid in your country?—There is.

2152. And it is of great advantage to the farme to be able to produce cider and to give it to h men?—It is.

2153. It saves him a considerable expense i buying beer, which we in the west of Englan have to do?—We may call it nearly the so beverage of farmers and their labourers.

2154. Which is the best for the men, the bee or the cider?—There are various opinions abo that.

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5. Which would the men in your county
to have ?—From custom they like cider.

6. Do you think it is a fair or unfair thing
ıe general beverage used in one part of the
y should be taxed, and that which is used in
r part of the country should not be taxed ?—
k that the tax ought to come off pretty well
t ground ; we ought not to tax our national
ge.

7. Is it your practical experience that the
ustom in most of the south western counties
he agricultural labourer to drink cider ; in
shire, Cornwall, Herefordshire, Somerset-
and and Worcestershire ?—I am not aware
at is the case in Worcestershire.

8. Mr. *Read.*] You said that cider was 3 *d.*
t, that is the price at the cider shops ?—
is worth from 25 *s.* to 30 *s.* a hogshead ; it
en sold as low as 10 *s.* a hogshead.

9. That would be one reason why the
s in your district are not so sanguine for
eal of the malt tax as in other districts ?—
ps so.

). That is in consequence of their growing
quantity of cider which pays no tax what-
—Yes.

1 You say that foreign barleys failed this
why is that ?—The crops failed in conse-
e of the weather, I should think.

2. It is not in consequence of a larger con-
ion of the best barleys being required for
ıg continental beer ?—No ; the sample is
r this year.

3. With reference to malting, I think you
at changeable weather was extremely pre-
l to that operation ?—I did.

4. Is not also extreme heat and cold, even
are continuous, equally injurious ?—Cer-

5. Do you think that we have the advan-
f climate, of fuel, and of capital, so that
ed not fear the importation of large quan-
of foreign malt, even if we get rid of the
ax ?—I think large quantities of malt could
de in Denmark and the German States ;
is a large quantity of barley grown there,
o doubt with the cheaper labour which
ave, they could more than compete with

6. Would they make the malt or send us
arley ?—I think they would make the

7. You told us that there were some barleys
ncreased 35 per cent., and that others in-
d 18 per cent. ?—That is from being a length
e under water ; we generally steep 50 hours,
we get stubborn barleys, we keep them 70
in steep ; and they would increase mate-
by keeping them 70 hours, and yet we pay
me duty.

8. And those inferior barleys, of course,
an inferior class of malt ?—By steeping
70 hours, you bring them more friable,
ore mellow, and are able to work them
; they make very good malt, by being kept
urs under water.

9. By your variation of the process of
ıg these barleys, you are able to make very
nalt of them ?—We are able to make fair
f them.

0. But with the present Excise regulations,
re cut rather by the malt tax than the bar-
ou steep the usual time ?—They are.

1. I understand you to say, that you had
nothing particular to find fault with in the way in which the malt tax was charged now. If you lose a certain quantity on the 35 per cent. increase, you must gain occasionally on the 18 per cent. increase ?—Seventy hours steep is a very rare occurrence ; as a rule we steep for 50 hours. If we want to steep 70 hours, we have an extra duty to pay, which, as I stated just now, ought not to be.

2172. Do you make any experiments in malting ?—Not now.

2173. Have experiments as a rule been made ? —I do not think that there has been much improvement in malting during the last 20 years.

2174. If you were a brewer, and you were going to buy a quantity of sugar for brewing, you would be charged 3 *s.* 4 *d.* a cwt. duty for it? —I would.

2175. And if you were going to buy a quarter of malt of a farmer, you would have to pay 1 *l.* 1 *s.* 8 *d.* before you could use it ?—That is so.

2176. Do you think that is fair towards the British farmer ?—As I stated just now, the Excise have tried to assimilate the duties as much as possible, but I think it is rather in favour of sugar than malt.

2177. Independently of this, that in the one case you can easily detect fraud, and in the other you have no such check ?—That is so.

2178. How much sugar do the Excise contend is equivalent to a quarter of malt ?—The saccharine from a quarter of malt varies from 70 lbs. to 95 lbs.

2179. What do the Excise calculate it at ?— I do not know what their calculations are.

2180. Mr. *Hardcastle.*] How much sugar is equal to a quarter of malt ?—About two cwt. or 200 lbs.

2181. Something was said about cider ; I did not clearly understand it ; you said that it is an advantage to the farmer to give his men cider ?— It is the beverage which the farmers generally give to their labourers in our part of the country.

2182. Is there any money advantage in giving them cider ?—I should think if they did not give them cider they would keep a little back from their wages.

2183. What is the cost of cider as compared with beer ?—It costs them less money.

2184. Then there is money advantage ?—There is.

2185. Do they sell their corn at all cheaper than other people ?—No ; the price is about the same ; the railways equalise the prices.

2186. But they get the advantage of larger profits ?—Markets are equalised ; we can send to markets making a higher price.

2187. That is not an answer to my question ; I understand that the farmer who gives his men cider has an advantage over the farmer who gives his men beer ; if there is that advantage, he grows his corn at a cheaper rate, and ought to be able to sell it cheaper ; does he sell it cheaper ?—The advantage is that he grows the cider on the estate.

2188. If there is an advantage it is a money advantage ?—It must be a money advantage.

2189. Does he sell his corn cheaper to the consumer in consequence ?—No.

2190. How does he get the additional profit ? —He sells his barley at a fair market price.

2191. I want to know whether the money advantage

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vantage goes to the consumer?—The money advantage I should look at is on account of the cost to the farmer; he saves money in growing the cider, and giving them cider instead of beer, which he would have to pay for.

2192. He sells his corn at the same price; therefore his land is worth more per acre than it would be if he gave his men beer, is not that so?—I should say so; if he did not grow cider he would have to give his men beer.

2193. Ultimately, the landlord gets the advantage?—He might to some extent.

2194. You made a complaint that in some cases there was not a sufficient allowance made by the Excise; the Excise make an allowance of 18 per cent. upon your couch gauged, and sometimes you consider that they ought to make an allowance of 35 per cent.?—I said that the allowance should be different for a 50-hours' steep to what it is for a 70-hours' steep; the malt laws are supposed to bring the malt back to dry barley.

2195. When malt that has been 70 hours in steep is converted into malt, what increase do you get?—We do not get much increase; it is only to make the malt more friable.

2196. You do not get a greater increase in one case than in the other?—No, because in the process of drying it is brought back to the original state.

2197. Has that ever been represented to the Excise authorities?—I am not aware that it has.

2198. If it was a general cause of complaint, do not you think that the maltsters would complain?—It is not very frequently done; 50 hours as a trial, I found sufficient; 70 hours is the exception.

2199. Sometimes you get an advantage on the other side, do you not?—We must keep it 50 hours under the water.

2200. Does not the 18 per cent. sometimes give you an advantage?—It might, at times.

2201. And the disadvantages only at times; therefore, it is nearly as broad as it is long?—I think now they have based it upon the 50 hours' steep, but I think the 70 hours' steep is rather an advantage.

2202. But you do not complain when you get the advantage?—I think they have made their calculations so well, that the Government get the full duty upon the barley steeped.

2203. You said something about change of weather being bad for malting; do you consider the weather is more changeable in the eastern part of Europe than it is here?—I am not aware.

2204. If it happens that the weather is much more steady in the eastern part of Europe than it is in England, you might perhaps think it would be as good a climate for malting as this?—Yes.

2205. Even supposing it were in a state of frost?—Yes; because they could heat the malting houses artificially.

2206. If I were to say that there is sometimes three months' frost together, what would you say to that?—If it was a continuation we should adapt our malt-houses so as to bring artificial heat into them.

2207. You think you could make quite as good malt in that way?—Yes; heat is the worst thing we have to contend with; cold is not so bad; we can get the heat up, but we cannot reduce the heat.

2208. Mr. *Arthur Peel.*] I do not understand, if you are to suffer from the tax somewhere, you should prefer that the tax should be in upon the dry barley instead of upon the ma Our present law is supposed to be upon th barley because by having it fixed after steeped it is supposed to bring it back to th material.

2209. Are you speaking of the dry barle I am.

2210. We have had witnesses expressi opinion in favour of the raw barley being ta —I should like that taxed if the Excise frame laws to charge us in that way; it wou merely charging us upon putting it in the ci

2211. Why should you prefer it?—I d know that I should prefer it; I should like taxed upon the dry barley, but I do not whether they could do it as well as taxin malt.

2212. Why should you prefer the dry b to be taxed?—Mention was made about com sing couches; we should not then be su to that annoyance. If a man should trea couch we should not be brought in under If it was charged upon the raw material we sh not be subject to any of those annoyances.

2213. If the malt tax were repealed, I understand that beer would be cheapened an public benefited; but what is your idea o benefit to the farmers; do you think our far would be able to compete with the foreign b growers?—I think so; they are able to com with them now.

2214. What do you ground your opinion u the cost of the freight?—I do not know taking off the malt tax would alter the b market as regards English brewers.

2215. Have you been a farmer yourself have not.

2216. Do you think that a larger area of can be brought into cultivation to grow barl equal quality to that which is grown now think barley has the highest relative value of grain, and if the malt duty were taken off consumption would increase, and they would a better market for their barley.

2217. Would not the influx of foreign ba compete successfully with the English barle We have the influx now; it would not be alt by an alteration of the law.

2218. Mr. *Benyon.*] It would be to the int of maltsters to have as much malt consume they could?—It would.

2219. If the malt was consumed not onl making beer, but also for feeding purpose would be to their advantage?—It would.

2220. If the tax were imposed upon beer ra than malt, it would be preferable and infin preferable to imposing it upon barley?—I have no objection to a tax upon beer, suppos could be levied in a proper manner, but tha matter of detail.

2221. Mr. *More.*] What are your objectio a tax upon beer?—I do not know how you w levy it; I think it would be a great annoyan brewers; you put more restrictions upon than upon us. It would be taking that an ance off one class of men and putting it another.

2222. Do you think the annoyance woul greater then than it is now?—I think it wo it was when on; it was an annoyance to the

2223. On what grounds do you make statement?—They could not move without

excis

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iseman being there in taking their dips when tting their beer together; there are various ocesses which are gone through now, all of ich were interfered with by the Excise.

2224. Do you remember the beer tax?—Yes, emember it.

2225. Were you a malster at that time?—I s.

2226. Did the brewers agitate for the repeal of beer tax?—No.

2227. Then what reason have you for saying ir grievances were so great?—It was an annoy- e to them, and a great deal of trade was ited when the tax was on.

2228. The excise regulations are an annoyance l, are they not?—They are.

2229. If there were a tax upon beer, do you nk there ought to be a tax upon cider also?— hould not like to tax any articles of consump- n.

2230. Do you think that cider is adulterated? think not.

2231. Which is the cheaper, beer or cider?— ler.

2232. Do you think that the absence of adul- ation is owing to the cheapness of the bever- e?—Perhaps it is, but I do not know what they ıld adulterate it with. Cider is a good whole- ne beverage.

2233. *Chairman.*] My friend, Mr. Hardcastle, ed you whether the farmers in Devonshire d their produce cheaper than other farmers in consequence of there being no tax upon er; of course they send their products to the st market to get the highest price they can for m?—That is so.

2234. They are exceedingly thankful and glad t they have got cider duty free?—Yes.

2235. And do not you think that if they were lividually asked, they would be exceedingly d if their neighbours in the other counties uld have their beer duty free?—I think so.

2236. It is not a question of landlord or farmer, t it is simply a question of free-trade or not, is t that so?—Quite so.

2237. Therefore, according to all justice in gument, the malt tax ought to be repealed?— s.

2238. And it is only the exigencies of the ate that keep the tax now upon malt?—It is.

2239. But if we can relieve in any way that x, so as not to press so hardly upon the com- ınity, it would be doing good?—Yes.

2240. If we could repeal it, that would do the ost good?—It would.

2241. But if we could not repeal it, but could ake it a less duty upon beer, we should be ing a less good?—Yes, so as to gradually get off.

2242. In answer to Mr. Hardcastle, you said at a long frost would not much interfere with alting operations, but a sudden frost would in- rfere with it very much; I do not know ıether you are aware of the climate in the rth of Europe, but are frosts there much more dden and much more severe than they are in is country?—I am not aware.

2243. And perhaps you are not aware that the at in April is, generally speaking, much eater than the heat is in this country?—If they ve a market for their malt, they could make it times when the weather was favourable.

2244. I do not think the point is one way or the other, taking the climate generally; but do you think that any climate is more preferable than that of this country for making malt?—No; I do not think it is.

2245. But even if they could malt all the barley which was imported into this country, it must be a benefit to the general consumer?—It would be an injury to the maltsters.

2246. Your opinion is that they would not malt there?—I cannot say that; they might do so.

2247. At any rate you will say you are not afraid of it?—It is a matter that I have not thought much about.

2248. Sir *Edward M. Buller.*] Would you object to tell us the amount of profit that you make as a maltster in making 10 quarters of barley into malt?—It all depends upon the price you can get.

2249. Would you say what 10 quarters of malt cost you?—Wages are higher than they used to be, and the making now costs about 3 *s.* or 3 *s.* 6 *d.* a quarter.

2250. I want to know the price from the purchase of the barley to the sale of the malt?—If we could get 5 per cent. we should think ourselves amply paid; that would be 3 *s.* a quarter.

2251. What is the average price of malt?—From 60 *s.* to 70 *s.* a quarter.

2252. Will you begin with saying that a quarter of barley costs you 40 *s.*; then there is the duty upon it, which is 21 *s.* 8 *d.*; what is the expense of making it into malt?—About 4 *s.* a quarter; the cost varies according to the position in which you are placed.

2253. But then you get a higher price, do not you?—No; then you must put on 3 *s.* for profit.

2254. At what rate would you sell that malt; would you sell it at 68 *s.* 8 *d.* a quarter?—We should gladly sell it at that rate.

2255. Would that represent the best malt?—Malt varies; the price of malt with us is 68 *s.* now.

2256. And what is the price of barley?—It would average 40 *s.* a quarter.

2257. According to that the price of malt would be about 68 *s.* per quarter?—It would.

2258. Would you not in such a transaction make something by the increase of malt; if you had 10 bushels of barley you would sell more than 10 bushels of malt, would you not?—The increase upon pale malt is about 4 per cent.

2259. That would give you about three bushels of out-cast upon 10 quarters of barley, would it not?—I suppose it would be about that; I have have not gone into it.

2260. But you would have the out-cast?—We call it an increase of about 3 per cent.

2261. What would 3 per cent. give in 10 quarters?—About 2½ bushels.

2262. Then there would be 2½ bushels at 68 *s.* a quarter?—We should take the increase into consideration; we generally calculate that if we can get 5 per cent. upon the cost it would pay us; you must take off the 3 *s.* profit and put on the increase for the profit instead, that is almost 5 per cent.

2263. I want to ascertain the amount of profit which you get by the out-cast, because by your system you say you get about 4 per cent., which in 80 bushels of barley would give you something like 2¾ bushels?—We do not always get 4 per cent. increase; sometimes we do not get any.

2264. Sixty-eight

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2264. Sixty-eight shillings a quarter would be 8 *s.* 6 *d.* a bushel, would it not?—Yes.

2265. Then if you get 2½ bushels that comes out 1 *l.* 1 *s.* 3 *d.* as the gain upon the transaction, instead of your 3 *s.*?—I think you are wrong.

2266. You say you sell each quarter at 68 *s.* do you not?—Yes.

2267. That would give you upon that part of the transaction a profit of 2 *s.* 4 *d.*?—It would.

2268. But then you have to add the profit which you get from the 2½ bushels of malt, which is the increase, that would be worth 1 *l.* 1 *s.* 3 *d.*; the total value of the increase which you get there is 1 *l.* 3 *s.* 11 *d.* upon 10 quarters?—That is about 2 *s.* per quarter.

2269. One quarter is 2 *l.*, the duty 1 *l.* 1 *s.* 8 *d.*, and the cost of making 4 *s.*, that is altogether 3 *l.* 5 *s.* 8 *d.*, and you sell it for 68 *s.* a quarter; if you take 65 *s.* 8 *d.* from 68 *s.*, that gives you 2 *s.* 4 *d.* on that, and then there is the outcast besides to be added; you say the outcast is about 2½ per cent.?—Three per cent.

2270. What is 3 per cent upon one quarter?—You must take the 100 bushels; 3 per cent. upon a quarter would be about 2 *s.*; although we are making the price up here we are always guided by the price in the market; we are quite content to get 5 per cent., but we cannot always get it.

2271. What is the value of the outcast upon a quarter?—We get about 3 per cent. increase.

2272–5. Then what is the value of the 3 per cent. upon a quarter?—It is abont 2 *s.*

2276. Mr *Henry Surtees.*] Supposing the i crease amounted to 3 per cent. and that the ma was worth 68 *s.* a quarter, would the profit b simply three times 68 *s.*, equal to 10 *l.* 4 *s.*, or woul you have to pay the duty upon the three per cen increase?—We generally calculate our profi upon the per-centage on the price of th malt.

2277. If you buy 100 quarters of barley an steep them, you imagine that it comes out 10 quarters of malt; do you pay duty on 103 quarter of malt, or is the result that you only pay duty o 100 quarters?—The Excise are supposed to tak our increase.

2278. Therefore you would not get a profi equal to three simes 68 *s.* but you get it les the duty?—That is so.

2279. Mr. *Hardcastle.*] There has been a goo deal said about maltsters' profits. Sir Edwar Buller thinks that brewers and maltsters get great deal more profit than they ought; now doe not the profit depend upon the relation betwee the price you give for the barley and the pric at which you sell the malt?—Yes.

2280. Is that a certain relation?—It is.

2281. It depends upon the market, does it not—It does.

2282. And neither you nor anybody else could give the profit?—No.

2283. If the profit of the maltsters were extravagant there would be a great many more maltsters, would there not?—I think there would.

Mr. Thomas Kemp Sanderson, was called in; and Examined.

Mr. *T. K. Sanderson.*

2284. *Chairman.*] I BELIEVE you live at Wakefield, in the County of York?—I do.

2285. You are a Maltster, and also a Corn Merchant, I believe?—I am.

2286. I think you malt considerably over 20,000 quarters of barley a-year?—I do.

2287. Your malt-houses are situated close to a railway, are they not?—They are near to a railway.

2288. And you buy your barley wherever you can buy the best and cheapest samples?—It depends upon the seasons; during the last season we have bought our barley south principally.

2289. You do not confine yourself to any particular locality, but buy your barley all over the country?—Yes, I do.

2290. You also buy a considerable quantity of foreign barley, do you not?—We buy a large quantity of Saale barley. We have done so this year.

2291. What do you call a large quantity of Saale barley?—I should think that we have had 7,000 or 8,000 quarters of Saale barley this year.

2292. Did you malt all of it yourself, or did you sell some of it?—I malted the whole of it.

2293. Do you buy foreign barley to sell again?—No, except for grinding purposes; that is independent of the malt trade.

2294. Do you buy considerable quantities of foreign barley for grinding purposes?—Sometimes we do.

2295. Is that Black Sea barley?—During the present season we have had large quantities from Chili.

2296. What sort of barley is that; is it a good or bad description of barley?—It is not equal to our English as a matter of course; it is very dry and not quite so stout as the English barley, but it will make malt, and it is my impression that they will considerably improve in the quality of barley grown there.

2297. What is the average price at which you would buy Chili barley?—That barley is worth now in Liverpool about 40 *s.* a quarter, weighed 60 lbs. a bushel.

2298. Is that malting barley?—It is malted, and is malted more in Scotland than anywhere else. It goes to Leith, and some of the Scotch brewers buy that barley.

2299. You give 40 *s.* a quarter for Chili barley?—No; that is the market price at Liverpool.

2300. That barley weighs 60 lbs. a bushel?—It naturally weighs about 50 lbs.

2301. It weighed up 50?—At the north, all the barleys, as a rule, are bought by weight, and this barley was bought at the weight of 60 lbs. a bushel, but the natural weight of the barley would be 50 or 52 lbs.

2302. That is not a very bad weight, is it?—It is not a very bad weight for foreign barley.

2303. Do you, generally speaking, in this country buy the best class barley?—I do.

2304. Do you ever malt any of the foreign descriptions of barley?—Very little.

2305. Out of your 20,000 quarters of malt, how much of it is made from foreign barley?—I should think not over one-fifth.

2306. Do you think that, supposing the malt tax were repealed, you would be inclined to malt the inferior classes of barley?—No, I do not

think

it is to the interest of the maltster to do

07. Why do you not think that it is to the
est of maltsters to malt the inferior classes of
y, supposing they could get a sale for it?
think the finer barley commands a better
If the malt trade happens to be dull, and a
ster has a stock of fine malt, he may get rid of
ut if he has a stock of inferior malt, there is
ter difficulty in getting through it.

08. But is it not the fact that there is only
tain quantity of the best class barley grown
ngland?—Yes.

09. Is it not also the fact that even if you
to try ever so much, the chances are that
would not increase that quantity very much?
should think it would be difficult.

10. And is it not the fact that a greater
tity of the second class barley can always
rown?—Yes.

11. Is it also the fact that supposing there
no malt tax, a greater quantity of barley
d be grown than is grown at the present
ent?—I should scarcely be prepared to say

12. But supposing the malt tax were re-
ed, and a greater quantity of malt were used
the purposes of brewing, the second class
y must then come into requisition?—Yes;
ss our foreign friends supplied us with larger
tities of barley.

13. But you will admit that malt or barley
come from somewhere to supply the in-
sed demand which would arise?—Yes.

14. Then would it not be a great stimulant
ur own people to grow as much barley as pos-
, supposing that you, the maltsters, were
ned to deal in that commodity?—Decidedly.

15. Do not you think, as a practical man, if
malt tax were repealed that would be the
?—I really could not say so; I think we
v as much barley in this country as we can.
price of barley, during the last season, has
very high, and much higher in proportion
any other articles, and, in consequence of
, sugar has been used by the London brewers.
h us the brewers use very little sugar, and it
ld be injurious to the trade altogether if the
e of barley was to increase.

316. Even supposing that the price of barley
not considerably increase, and the malt tax
e taken off, there would be a much more
ly sale for that class of barley which is now
reciated in the markets, would there not?—
s very possible there might be.

317. Is it your opinion that if the malt tax
e repealed there would be a very large in-
ase of foreign barley sent into the markets, a
er quantity than at present?—If the effect
to raise the price of barley in England it
ld. I think we shall have greater competi-
from more distant countries in barley than
have had. We have had it this year; Cali-
ia and Chili have sent large quantities to this
ntry; and they are willing to grow more bar-
, and I have seen beautiful barley from Cali-
ia.

318. And also very good from Chili?—Yes.

319. Putting it at the worst to agriculturists,
ould be a great boon to the general consumer
beer?—If it rendered beer cheap I think it
ld; but I believe that beer is cheap enough
self.

2320. Is it your opinion that if the malt tax were repealed beer would be cheaper?—I do not think it would be much cheaper to the consumer; that is, I do not think it would be cheaper in retail.

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2321. Do you consider the revenue injured by charging a duty on sugar by the cwt.?—That I cannot say. I do not understand the duty on sugar; we have very little to do with it in our district.

2322. What is your opinion as to the increased consumption of malt, supposing the duty was charged upon beer instead of upon malt?—I should not think it would be much different.

2323. Do not you think that much more malt would be used to make the same quantity of beer, supposing there were no malt tax, and that sugar would not be used?—It would depend entirely upon the trade; if the profits were good, the brewers would give stronger beer, and if the profits were indifferent, there would not be much alteration.

2324. Would not the brewers use a larger quantity of malt to make the same quantity of beer; would not they brew entirely from malt, and not use sugar?—I think sugar would be abandoned.

2325. What is the feeling of the malting trade as to the abolition of the duty?—With us it is almost unanimously against the abolition of the duty.

2326. What are their reasons for being against the abolition of the tax?—I think the most natural reason is, that they feel their trade would be interfered with.

2327. Do you think that they fear the farmers would make malt, and brew for themselves?—I do not know that; I do not think they would. A portion of the farmers and a portion of the people in our district do brew themselves now.

2328. Do you believe that there would be a greater number of maltsters competing with one another than there are at the present moment?—I cannot say that there would, but I should think there would, myself.

2329. Then it would not be so great a monopoly as it is at the present moment?—I think it is reduced to a monopoly by circumstances; most of the maltsters who are now large maltsters were originally small maltsters, and I think a small maltster has some difficulty in making a living now.

2330. Do you think that if the tax were repealed he would have less difficulty in making a living?—No, I do not think the malt trade is a very good trade myself.

2331. Do you think the great brewers are opposed to the repeal of the malt tax?—I should imagine so.

2332. Why should you think that they are opposed to the repeal of the malt tax?—I really cannot say, but a great many of them are maltsters as well; I think it is more a brewer's question.

2333. Have you considered at all the question of putting a tax upon a beer?—I have not.

2334. You have heard a good deal of the evidence to-day upon the increase of barley after it is made into malt; I am told that 100 bushels of barley, when malted, will make 109 bushels of malt; is that your opinion?—It varies considerably; it depends upon the quality of the barley. I should think an average of 5 per cent., as

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as far as our country goes, is as near the mark as you can get.

2335. Do you think that it is an exaggeration to say that a man malting 10,000 quarters of barley a year requires 20,000 *l.* as capital to do it with?—I think there is a great difference in men; there are some men who would do it on one-fifth of 20,000 *l.*; some men would require 20,000 *l.*; it depends upon the mode in which the maltster manages his business. As far as my own business goes, my habit is to contract with brewers to supply them with a certain quantity of malt during the season; to do that I must hold a certain quantity of malt on my premises, therefore it requires a greater amount of capital to manage my trade. I know maltsters who have absolutely very frequently money in hand.

2336. That is not the usual custom?—No, I say a man ought to have 10,000 *l.* at any rate.

2337. The same authority who says it requires 20,000 *l.* says that if the malt tax were repealed the same amount of business could be done for 10,000 *l.*; is it your opinion that the malt tax makes that difference?—It is not.

2338. What difference do you think it makes? —There is a certain amount of credit with the malt tax at present, and they give us power to borrow a certain amount of money at 3½ per cent. of which we take advantage.

2339. Do you think that if it took 15,000 *l.* to carry on a business with the malt tax, you could carry on the same business for 10,000 *l.* without; does it make a difference of one-third? —I should think pretty nearly.

2340. Now, as to foreign malt, have you ever imported foreign malt?—No; I have had samples sent to me from Canada.

2341. Does it travel well?—No, but it can be made to travel well; we export malt, and it travels well. I export to Australia and New Zealand, where it travels well, because it is packed up so closely that it is perfectly air tight.

2342. Is it your opinion that foreign malt at the present moment can travel well into this country?—Not without a certain amount of expense.

2343. Do you also know that when foreign malt does come to this country, it can be bonded? —I do.

2344. The duty on foreign malt, I think, amounts in the whole to 25 *s.*? — It is 25 *s.*; the Government originally intended it to be 24 *s.* We applied to increase it, and it was raised to 25 *s.*; but they can release the malt at any time, and they pay the duty when it is released.

2345. That is to say, that if you imported 10,000 quarters of malt into this country, and it was not convenient for you to pay duty upon that malt till six months afterwards, you could leave that malt in bond for those six months?— I could.

2346. You are obliged in this country to pay duty upon the malt six weeks after the gauge has been taken?—We are.

2347. Therefore in that way they have an advantage over you to a certain extent?—Yes, they have.

2348. And therefore you think that if malt could be made, and would travel easily, it might, even with 25 *s.* duty, be imported into this country?—I do not fear foreign competition.

2349. Supposing the malt tax were abolishe do you think it would be worth your while, would it be worth any Englishman's while t speculate and set up malt houses on the contine to make malt and import it into this country?— No; I think the most likely people to set u malt houses would be the Danes, because the climate more approximates ours.

2350. Do you think that the Prussians on th banks of the Elbe would grow very good barley —They grow good barley, but the climate is no so good for the making of malt.

2351. So far as I can learn, your great objec tion to the repeal of the malt tax would be, tha you think it would interfere with your trade?— No; I have been in the malt trade a grea many years, when it was a very bad trade with us; a great quantity of malt was sold under cost price, and by degrees the maltings have fallen into the hands of large malsters, and the trade is since better than it was; but I do not think it is so remunerative a trade now as to afford a great increase of competition.

2352. As you are a corn merchant, and probably as you purchase a great quantity of foreign corn, I may ask you what you principally sell your foreign barley for which you import?—Any barley that I import for malting is malted.

2353. But do you purchase any for other purposes?—Yes, and it is sold for grinding.

2354. Do you sell it to distillers at all?—No; the omnibus proprietors in Manchester buy large quantities.

2355. What do they do with it?—They give it to their horses; they buy whatever grain happens to be the cheapest at the time, whether oats, Indian corn, Egyption beans, or foreign barley.

2356. How do they use barley for feeding their horses; do they wet it?—I fancy they do.

2357. If you give them raw barley, it would swell; it is the most dangerous thing you can give them?—I should think they would wet it.

2358. I wanted to know for information?— That is how I have the impression that the price of grinding barley is really regulated.

2359. You were going to say something about people brewing in your part of the country; are there not in the neighbourhood of Wakefield and that part of Yorkshire a large number of the lower classes who brew?—There are a certain number of the lower classes, not a large number, I should say not 1 in 50, probably not 1 in 100, who brew.

2360. But there are a great number who do? —Yes.

2361. Do you think, if the malt tax were repealed, that there would be a great many more who would brew in that neighbourhood?—I should think they might make the malt in the cellar and take it upstairs and brew it. If the tax were repealed they could make malt in their own cellars.

2362. Then you think that they would even go further than brewing, that they would convert the barley into malt and make their own beer?—I should think they would do it.

2363. That for a labouring man would be a great advantage? — Yes, if he made proper malt.

2364. And it would be a much more wholesome liquor than some of that which he gets from

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the public-houses?—It would not be very ult to excel some of that.

65. Sir *Edward M. Buller.*] You stated the price of barley was about 40*s.* a quarter? lid.

66. And that a bushel weighs 60lbs.?—

67. That, according to the imperial weight, ld give you about 20 per cent. more?—It ld give you 14 or 15 per cent. more.

68. Taking 50 as the weight of the common ey?—It is 20 per cent. over 50.

69. Then when you calculate your price of ey, and compare it with your price of malt, malt being by measure, and your barley by ht, there is a great advantage in converting om weight to measure, is there not?—There advantage and an extra duty to pay.

70. When you come to explain the process onverting barley into malt, you ought to v for the barley being by weight and the by measure?—Yes.

71. And there would be a considerable it upon it?—There would be a considerable ease, but that malt is not as valuable as the r malt.

72. I am talking of barley at the price of , which gives you good malt?—This is Chilian ey.

73. Ten bushels of barley at 60lbs. would qual to 12 bushels at 50lbs.?—It would.

74. That is full 20 per cent.?—It is.

75. For 100 bushels of barley so purchased would be able to turn out 120 bushels of plus the increase that arises from the swelling of the barley in making the malt?—I do not k so, because, with us, whatever barleys are are screened before they are used, and there large quantity taken from the barley.

76. Then you screen out from the barley ch you purchase at 60lbs., so much?—

77. And what you screen out is of value?—

78. Then allowance must be made when calculate your profits for the difference re you buy by weight and sell by measure? es.

79. With regard to 3¼ per cent., you stated some maltsters actually had money in hand; ld you explain that?—I mean that they get dvance of the duty.

80. How much of the duty can possibly ren in arrears; I think it is given in evidence it is only the two last collections that they reserve the payment of?—I cannot exactly what it is.

81. How many collections are there in the r; does not the exciseman come round every weeks and make up the charge, and are you bound to pay it at the end of six weeks more? believe the average credit is nine weeks.

82. You may retain it in hand about nine ks; but I think it is only at the end of the that you can retain it nine weeks; you cando so all times of the year?—No; what I is that supposing malt is made now, and the unt is made up every six weeks, it is someg like nine weeks from the date of its being e, that is without the additional credit. en you pay interest you get three months itional.

83. By paying interest you get at the end hree months what otherwise you would get at the end of six weeks?—No; I think it is three months in addition to six weeks.

2384. How much of the duty can remain in the hands of the maltster; I wish to show the utmost advantage that you can derive from that transaction?—It is almost difficult to say; if all the malt is sold, you may rely on the maltsters having the money for which he pays 3¼ per cent. in his pocket.

2385. That is if he sold all his malt as soon as he made it, then he would retain in his pocket the money due for how many weeks malting?—I say he certainly might have in his pocket the money on what he paid the 3¼ per cent.; that is the deferred duty.

2386. But that is supposing him to sell every ounce of malt as soon as he makes it?—There are men who do it.

2387. Could that be done on a large scale?—It has been done, and in some cases the whole of the duty has not been paid.

2388. And with a man like yourself, paying 20,000*l.* a-year to the excise, what proportion of that sum could you retain at 3¼ per cent.?—I must speak off hand, but I could no doubt retain 2,000*l.* or 3,000*l.* out of the 20,000*l.*

2389. And for those 2,000*l.* or 3,000*l.* you would pay 3¼ per cent. more?—Yes.

2390. And you would employ that money in making a very large profit?—I do not think that there would be a very large profit.

2391. There would not be much got out of any transaction of that sort?—No.

2392. No man could in any degree be said to trade upon the malt tax?—There are such men, and always have been.

2393. I do not see how you can make it out; how is it possible for a man to make a great deal out of the malt tax?—I know circumstances that occur now in which that is the case.

2394. With regard to the export of malt, you are aware that a considerable quantity of malt is exported to the colonies, and is said to travel well?—Yes.

2395. And you have never heard any complaint?—No.

2396. You have never heard that the malt is subject to heating or deterioration, in being carried from one place to the other?—No.

2397. It is not subjected to the same damage as barley?—It would be if it was not properly protected; malt could not travel at all, even from Goole to London, unless it was protected.

2398. How is it protected?—By keeping it from the air.

2399. Is it easy to protect it?—It is an expensive process to protect it; I do not export myself, but you will have gentlemen before you who do export, and they have considerable expense in preparing the material for its exportation; but I believe they sell the material again in Australia; they use what you call bins lined with zinc or tin.

2400. Your opinion is, that when you export malt there is a great expense incurred, in order to secure it from deterioration?—Yes.

2401. That would naturally interfere with any manufacture upon the continent, of malt imported into this country?—It would.

2402. Major *Parker.*] I understood you to say that you do not fear foreign competition?—No, I do not.

2403. Mr. *Arthur Peel.*] You said that the brewers in your neighbourhood use very little

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sugar, and the London brewers use a good deal?—Yes.

2404. How can you account for the difference in the practice?—I really cannot say whether it is that the London brewers have more experience in using sugar or not, but our brewers do not like it. It may be that our practice is the best, or it may be that the London practice is the best.

2405. What are the circumstances which have resulted in the monopoly of the trade being in a few hands?—I do not think that the malt trade has been a trade to pay.

2406. In the relation of cause and effect, what has that to do with the malt tax?—I do not see that it has any.

2407. It has been given in evidence here that the malt tax has operated in reducing the trade into a few hands?—I do not think it is the malt tax, it is the malt trade that has done it.

2408. You think if the malt tax were repealed we should still have the malt trade carried on by the great capitalists?—I think you would have the large maltsters in the same position; it would not injure the large maltsters so much as the little maltsters; because the large maltsters ought to be able to produce a better quality of malt, and they are more capable of fulfilling large contracts with the brewers.

2409. You said, in your evidence, that you did not fear foreign competition; in whose interest do not you fear it?—I was speaking personally.

2410. As a maltster?—As a maltster.

2411. Can you conceive that there will be any danger to the farmers' interest if we are to have our malt from abroad?—I think myself, and I am very sorry to think so, that if the price of barley increased in this country it would be injurious to the farmers.

2412. In what case would it be higher?—I say if it was higher. The price of barley has been very high for the last year or two, and it has been a very satisfactory price to the farmers and the country. If that price were increased, there would be more opportunity for foreign competition. I prefer English barley, and I should never use any other barley if I could get English.

2413. If we are to have foreign competition upon the enormous scale at which you have hinted, and if the area for producing good barley is limited in this country I should say that it is a bad look out for the farmers? — All will depend upon the price; but price will fetch an article from any part of the globe; the high price of wheat has fetched wheat from countries where we never had wheat before in large quantities, and it would have the same effect with barley.

2414. What is your opinion of the bearing of the repeal of the malt tax upon price; do you think that the prices are likely to be higher or lower?—My impression is that the first year or two it would probably cause barley to be a little higher than it would naturally be; and eventually it would cause barley to be lower rather than higher.

2415. Mr. *Benyon.*] You speak as a maltster when you say you are against the repeal of the malt tax?—No, I really do not care; I feel that the repeal of the malt tax would be no benefit to anybody, or I should not express myself so strongly.

2416. I thought your view was that the repeal of the malt tax would introduce a greater number of maltsters into the trade, and that th labourers also would make malt, which of cours lessen the demand on the regular trade of th maltsters?—If you recollect, I said that it woul not interfere so much with the large maltsters a with the smaller ones.

2417. Mr. *More.*] Are you a farmer?—No.

2417*. Are you able to form an opinion as t whether it would benefit the agriculturists?— fear it would not; nearly all my farmer friend are in favour of the repeal of the malt tax and I certainly have a feeling that the argumen is rather against them; they say, "We hav a right to have the malt tax repealed, becau you repealed the corn laws." My opinion is, th if it would do the English farmer any good, ought to be repealed.

2418. Do not you think that they are th better able to form opinions as to the effect it woul have upon themselves?—No; I think that peopl buying barley in England and abroad are mor likely to know what the ultimate result will b than the farmer who has only his own barley t deal with. I think there is a little difference i the feeling of the farmers now; I do not thin that they are so strongly in favour of the repea as they were.

2419. Would you pay as much respect to thei opinion in your own interest; should you thin they were as able to form an opinion as yo upon that?—I should pay great respect to thei opinion; I should go for a repeal, if I thought i best.

2420. Which should you think the best fo the country at large, a tax upon beer or a ta upon malt?—I think that a tax upon beer woul be rather awkward to collect.

2421. Why do you think so?—It would b more difficult than the malt tax.

2422. In what respect would it be difficult?- It would be difficult to collect it fairly and satis factorily; it would be in more hands than the ta upon malt.

2423. Supposing that the difficulties of collect ing it were not great, and if the collection of th tax was not very vexatious, which should yo prefer, the tax upon beer or the tax upon malt —It would be rather a brewer's question; should think that the brewers would prefer t have a malt tax.

2424. Do you think that the malt is injure by travelling?—By being exposed to the air is injured, and, therefore, by travelling it mu be injured.

2425. *Chairman.*] You said that you woul give the preference to English-grown barley, it could be got?—Yes, I did.

2426. You also said you did not think that th area of barley could be much increased?—I d not think it could.

2427. You do not say that from any knowledg of the fact?—No.

2428. We have statistics to show that th barley area might be much increased?—I thin the good prices of barley of late years woul have materially increased the area if it could hav been increased. I am told that the area of ba ley is rather less than greater this year. Wheth that is correct or not, I cannot say; that is wh the agriculturists tell me.

2429. Sir *Edward M. Buller.*] You said th in your opinion the repeal of the malt duty woul not cheapen beer?—Not to any extent to tho who buy it retail.

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430. What do you suppose would be the dif-
nce between the price of malt if there was no
y, and the price of malt with a duty?—Not
amount of the duty.

431. You think it would not be so much as
extra price of the duty?—No; I think we
uld get a little of the profit first, and possibly
farmer might get a little the first year or two;
it would soon settle down.

432. You are really of opinion that though it
ıld take only two-thirds of the capital to pro-
e the same quantity of malt, that the price of
t would not be reduced?—The price of malt
ıld be reduced, but not by the full amount of
duty; probably the price of malt would be
reat in proportion if the duty were taken off.
posing the duty to be 21*s.*, and the price of
t 70*s.*, I think it would still be worth 49*s.*

433. I do not quite understand how that should
supposing there were no duty, at what sum
ld you afford to sell malt if barley was 40*s.*
ıarter?—It would depend entirely upon cir-
ıstances at what price we could afford to sell
but I have heard the question frequently
ed. I should have no objection, at the pre-
t price, to take the over-measure for my profit.
not think that any one witness who comes
re you would tell you that his profits this
r average 2*s.* 6*d.* a quarter; this is an excep-
al year; it is not as good as usual.

434. Supposing you take the profit at 2*s.* 6*d.*
ıarter?—We do not make 2*s.* 6*d.* a quarter.

435. How do you estimate the profit; in the
instance, there is the price of barley?—
.

436. What do you charge for interest on
tal employed in the business?—Five per
.

437. And you also charge five per cent. on
money you employ in your trade, before you
in to calculate the profit?—No, we do not;
charge whatever interest we may happen to
; sometimes it costs us more than five per
., and sometimes it costs us less.

438. In the first instance, you charge interest
n the money you employ in purchasing the
material?—I do.

439. Then you charge a certain per-centage
ll money you employ in your buildings, or in
rent of the buildings?—Yes.

440. And then you charge interest upon all
money?—I do.

441. And then, after you have charged the
rest on the money, comes the profit?—Yes.

442. You mean to say that though you only
5 per cent. profit, you would get 10 per cent.
rn, 5 per cent. being the interest of your
ey and 5 per cent. profit?—No, not so much
at.

443. How would you calculate it?—It would
a long time to go into that and calculate it
; the income is precarious.

444. Take any one year, or an average of
s?—If you take this year I should be very
content if I had 5 per cent. for my money
the expenses of malting, that is, 3*s.* a
ter; you have it in evidence that it costs
d.

445. When you calculate 3*s.* for malting,
you calculate the value of your premises; it
ld not cost you 3*s.* to malt; that is, the mere
ing and drying of the barley?—That is if I
ed the premises.

446. You say 5 per cent. on your capital, you
do not make 5 cent. upon every transaction?—No.

2447. You do not make 5 per cent. upon converting so much barley into malt?—No, I mean 5 per cent. upon the cash out of pocket.

2448. Would you calculate that as 10,000*l.*, or would you calculate it as the money you employed during the whole year; or would you say that it is 10,000*l.* turned over and over?—Supposing I had 10,000*l.* in my trade I should calculate 5 per cent. upon whatever money I was out of pocket.

2449. In the present year you tell me, supposing your capital is 10,000*l.*, you would be satisfied with a clear income of 500*l.* a-year without deducting the rent and value of your premises?—No, I should deduct the rent.

2450. You say that you have 10,000*l.*, and in order to get your 500*l.* profit, you first pay all your expenses and charge 500*l.* a-year interest?—Yes, and then I should charge 3*s.* a quarter for making the malt.

2451. That does not come into this calculation?—I make a profit upon it.

2452. I want to know what profit you get upon 10,000*l.* employed in the malt trade; would you make 500*l.* a-year, with the interest of the money employed, or in addition to the interest of the money; if you had 10,000*l.* in your trade you could not be satisfied with less than a clear return of 1,000*l.*, if you calculate 5 per cent. for interest and 5 per cent. for profit?—I should not be at all satisfied with less, but I say that this is an exceptionally bad year.

2453. I should like to take an average year?—I think the average has been from 2*s.* 6*d.* to 3*s.* a quarter; 3*s.* is considered to be a fair average. I believe the income tax has frequently been calculated upon it up to that rate. It is utterly impossible for us to fix the exact amount of profit we shall make in the year, because some people are more successful in their contracts than others.

2454. Can you tell me within an average what does the malting trade yield as a per-centage upon the capital employed?—I should think from 2*s.* 6*d.* to 3*s.* a quarter is the average.

2455. How many quarters would you malt with a capital of 10,000*l.*?—I should have a difficulty in answering that question.

2456. Major *Parker.*] Will you be good enough to explain why you think that the increase in the price of barley would be injurious to the farmers?—Because I think it would bring an increased supply to the country from foreign countries.

2457. In your experience of the business of life generally, and the transactions of foreign countries, do you think that high prices in this country are prejudicial to the producers of this country?—I think that an extraordinary high price like the present year is prejudicial. It is often succeeded by low prices.

2458. I think you have explained to this Committee that a smaller extent of barley has been cultivated this year than in former years?—Yes; I say I understand so from the farmers. They tell me that there is less breadth of barley cultivated; but I say that we do cultivate as much barley in this country as we can. I do not think that we are likely under any circumstances to grow much more barley than we do.

2459. You commenced a voluntary statement that

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that you had no doubt that higher prices for barley would be injurious to the farmers?—Yes; because I think that it would bring foreign barley to this country, and as we can only produce a certain quantity of barley here, it would be injurious to the farmers.

2460. But with the present high prices of barley in the present year, do not you think that all the barley that can be spared from abroad has found its way into this country?—We have had barley in large quantities from abroad, from places where we never had any barley before. I know gentlemen who have sent seed out; I have sent seed abroad myself; and I know that samples have been sent out for different qualities of barley to be produced. Anybody who has any experience of Danish produce, in comparison with English, will tell you that the Danes have wonderfully improved both in the quality of their wheats and barleys; they produce a quality there equal to the English barley.

2461. If English barley were at a very high price would you consider it injurious to yours as a maltster?—Yes; and I think it is at a ver high price now.

2462. And inasmuch as you are of opinion th malt is at too high a price to benefit the maltst so barley, if it is raised to a higher price than present, would be prejudicial to the farmers?— It provokes competition, and afterwards it woul be prejudicial.

2463. Competition is provoked to an extent i corn as high as anything can be?—We have it i wheat now; the price of wheat has produce enormous supplies from California and Chili.

2464. Do you think the high price of wheat present is injurious to the farmers?—I do n think that it has been injurious to the farmers; b I say that a series of high prices are generall followed by a series of low prices.

2465. It would have a different effect; but can easily understand the farmer deprecating lo prices?—That is what I mean.

Thursday, 18*th June* 1868.

MEMBERS PRESENT:

Colonel Barttelot.	Mr. More.
Sir Edward Manningham Buller.	Major Parker.
Lord Eustace Cecil.	Mr. Arthur Peel.
Mr. Dent.	Mr. Henry Surtees.
Colonel Duncombe.	

COLONEL BARTTELOT, IN THE CHAIR.

Mr. JOHN ROSS, called in; and Examined.

Mr. *J. Ross.*

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66. *Chairman.*] YOU are a partner in the of Begbie, Young & Begbies, 27 Mark- ?—I am.

67. You are a corn and seed factor, are you —I am.

68. And you have been in the business since were a boy ?—I have.

69. Four years at Leith and 15 years in lon, all in the same business ?—Yes.

70. I believe you receive very large con- nents of corn from abroad ?—We do.

70*. Can you give the Committee about the tity you receive of wheat, barley, and oats? depends very much upon the state of the s in this country; but a large quantity of ı of all kinds passes through our hands every by consignment from abroad, and purchase ur numerous clients generally, I should say, 150,000 to 300,000 annually.

71. Of all sorts of grain ?—Of all sorts of ı.

72. From what countries do you generally ve this grain ?—Principally from Russia, sia, the Baltic provinces, and America, and tle from Australia occasionally; and from n, Italy, and Egypt. The quantities depend the state of the crops in the different coun- ; one year one country will export a great more than it will the next year, in conse- ıce of the difference in the crops. We are to receive consignments from anywhere.

73. Have you received barley or wheat from ornia and Chili ?—We have received wheat California, but not barley; the great bulk e barleys go from Chili to Liverpool.

74. Have you had any experience of barley Chili ?—None whatever.

75. We had it in evidence on Tuesday that y good quality of barley has been sent to country from Chili ?—A very good quality ed has been sent from Chili this year; so I heard from report from friends who have it, and who say that for certain purposes it ers the purpose very well indeed.

76. Will you kindly inform us whether you any large quantities of barley to the great ers of this country ?—We sell more to sters than to brewers; but occasionally, the state of the English barley crop is bad, ell a good deal to the brewers.

2477. Perhaps I ought to have said, "to the large maltsters;" but you are aware, probably, that many of the large brewers are also large maltsters ?—They are. When the English barley crop is bad, we frequently sell largely to the brewers and maltsters.

2478. Have you any experience of the Saale barley ?—Yes.

2479. What class of barley generally comes from that country ?—It is generally, for malting purposes, the finest that comes from abroad; it commands the highest price in the market.

2480. Is most of the Saale barley fit for malting purposes ?—I should say, unless the crop is destroyed by rain, it is almost all fit for malting purposes.

2481. What would be the average weight per bushel of that barley ?—I should say that the average weight would be from 52 lbs. to 54 lbs. per bushel.

2482. Is that barley, generally speaking, barley which malts easily, and requires steeping only a short time; or is it the more steely barley, which requires steeping for a considerable time ?—I am not an authority upon malting; I could not give an opinion upon the process; but we consider that Saale barley is a barley very easily malted, generally speaking; in some years it is more steely than in others, it depends upon the crop; one crop will be much more mellow than another crop; but, in a general way, we consider that the Saale barley, when of good quality, is easily malted.

2483. Have you any experience of the Saumur barley; the French barley ?—Yes.

2484. Is it good ?—Very good indeed.

2485. Next to the Saale, is it the best that you get from abroad ?—There are some sorts of the German barley like the Silesian that are very good, but I should say that the Saumur barley was generally next to the Saale barley.

2486. Can you tell me the quantity of Saale barley imported into this country every year ?—I am afraid that I could not, without looking.

2487. Could you give us any tabular statement for the last five years containing the average importation of barley into this country ?—Easily. I do not think there are any statistics to show the quantity of Saale barley by itself; the great part of the Saale barley is shipped from Hamburg; there

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there are other sorts shipped from Hamburg, but I am not aware of any statistics dividing them.

2488. You could give us, in a tabulated form, the imports of foreign barley into this country?—Easily; but only as far as the Board of Trade Returns show them.

2489. Placing the Saale barley as the first-class barley, and the Saumur as the next best, taking the average of years, where would you go for your next best class of foreign barley?—There again it depends upon the seasons; now, for instance, this last year I should be inclined to go to Trieste, to the Banat.

2490. Do they grow barley in large quantities there?—In some years they do; this year they have grown a large quantity of a good article, which has been bought largely by the black maltsters this year.

2491. Mr. *Dent.*] Whom do you call the "black maltsters"?—The maltsters who make the malt for porter; who roast it.

2492. *Chairman.*] Whereabouts is the barley which is exported from Trieste grown?—At a district called Banat, in Hungary.

2493. Is it your opinion, having been in the business so long, and having studied the question, that supposing the malt tax were repealed there would be a larger quantity of foreign barley brought into this country?—I think so, although I am not capable on the spur of the moment of forming an opinion. We find that where taxation is taken off any article, it increases the quantity of that article coming from abroad.

2494. You will recollect that on the barley itself there is no foreign duty, with the exception of a shilling?—It is the general opinion in our trade that the malt tax tends to keep out secondary barleys; although I could not, myself, go into the question, I believe that is the general opinion.

2495. That is the general opinion in your trade?—I believe it is, without binding myself to it.

2496. Then you would go as far as this, that if the malt tax were repealed the second class barleys would be generally made use of in this country?—More so than they are for malting purposes.

2497. Is it your opinion that that second class barley would make good fair average malt?—A good part of it would; it would not make so fine a malt as the fine English barley does.

2498. Then, of course, you would also naturally infer that if it improved the sale of second class foreign barley it would also increase the sale of second class English barley?—Yes, I should say so; but my own observation of late years has been that there has been a tendency on the part of maltsters to malt a class of barley never malted before. It appears to me that the maltsters in this country are gradually bringing a more ordinary quality of barley into use for malting purposes. I believe a number of them say that it is in consequence of taking the duty by weight instead of by measure.

2499. Have you heard anything about the Bill of Mr. Gladstone, called the Malt by Weight Bill?—I have heard that the maltsters are very well satisfied with it.

2500. Have you heard that it has had any effect upon your trade in enabling you to sell a class of barley to the maltster that you could not sell before?—My idea is, that it has had th effect.

2501. Taking the usual run of barleys whi you import, do you generally sell them to th maltster, or do you sell a great quantity f grinding and other purposes?—There is mo sold for grinding than there is sold to the mal sters. A good part of the importation of barl is from the Danube; and excepting by one two distillers, who do not require a fine quali of malt, it is seldom malted; it almost entire goes for grinding or distilling purposes.

2502. That is the Danubian barley?—Bes arabian, Odessa, Sea of Azoff, and the adjace countries.

2503. I think you would hardly call that th Danube barley?—-We call the Black Sea barl the Danube barley; we understand what means.

2504. But what I understand you to mean wa the barleys grown on the border of the Danube —They are very seldom malted.

2505. You think, whether the malt tax we repealed or not, that that class of barley woul not even then be malted?—I think very little it; but then I am not a practical maltste and my opinion is not worth much upon th point.

2506. Is it your opinion that if the malt ta were repealed, foreigners would endeavour t grow the better class of barley, and a class barley which would be malted in this countr more than it is at present?—I do not think would make much difference in that respect.

2507. You think that many of the countri would not be able to grow that class of barley?- That is so.

2508. Why is it that upon the banks of th Danube they cannot grow good malting barley —I believe it is the climate principally.

2509. Is it too hot; does it dry the barley u too quick?—I understand it is the heat; the cl mate is not humid enough.

2510. If barley is dried up too quick it i very steely, is it not?—Yes, generally speakin and very thin.

2511. You do not think that the area of th good barley-growing countries could be ver much increased?—In the countries where the grow a good class of barley, in the Saale distric for instance, if they find out that it answers thei purpose, they might increase their growth of barle there instead of wheat.

2512. Taking one year with the other, do yo think it would pay them as well to grow barle as it does to grow wheat?—I should think i some countries it would pay better, particularl in the Saale.

2513. Why should you think that it would pa them better to grow barley than to grow wheat —The barley is a very fine article, comparativel and the wheat is not so fine an article compara tively, and they get a higher price for barley i comparison with other barley; but they do n get so good a price for wheat in comparison wit other wheat.

2514. I presume that all agricultural oper tions require to be done with some skill, and th therefore they could not grow more than a fai proportion of barley; they would be obliged t have their fair proportion of wheat?—I am n a practical agriculturist; but I should think tha is the case.

2515. Wha

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15. What has been the average price of
gn barley for the last year, 1867?—The
s of foreign barley have ranged from 30 *s.*
) *s.*

16. Take the best quality of Saale barley?
should say somewhere about 46 *s.* or 48 *s.*

17. That is quite as high as our own barley?
uite as high.

18. Take the Saumur barley?—Very little
e Saumur barley came last year; the crop in
ce was not a good one; but I should think
the fine quality of the Saumur barley would
from 40 *s.* to 42 *s.*

19. And what is the average price of the
ste barley?—The Trieste barley has gone
gh as 40 *s.* also for the best quality; but it
wer now; it is a difficult thing to give the
ge.

20. Then what do you say as to the Black
and the Sea of Azoff barleys?—They have
rally been from 33 *s.* to 36 *s.*

21. What do you say as to the Egyptian
y?—The Egyptian is from 33 *s.* to 34 *s.*
ch barley is rather more valuable than
ste barley, generally speaking.

22. Is there a very important difference be-
n the price of the first and second class bar-
from each of these countries?—There is in
igher class of barleys, but there is not much
e lower class of barley; from the Danube
very rarely that you see barley in which
is a difference of 3 *s.* a quarter; but you
ery easily have it in the Saale barley, or in
y from France.

23. But the class of barley that you get
the Danube is, generally speaking, about
same class of barley all through?—It is,
for crop.

24. And, taking it as a whole, it is grinding
y, and not malting barley?—It is.

25. Sometimes you have that barley as low
s. or 22 *s.*?—We have had it even lower
that, I believe.

26. Sir *Edward M. Buller.*] Do you know
ing of the system of agriculture on the
?—No, I do not.

27. Do you know anything of the system of
ulture on the Danube?—I do not.

28. Are you not aware that there are very
tracts of country there under grain without
intermixture of green crop at all?—Yes;
lerstand that is so.

29. You would not call that good farming,
l you?—I am not a judge of farming.

30. But a better system of farming would
bly produce a better sample of barley?—It
t be; I should be very doubtful as to those
ries, because, as I understand, barley de-
very much upon climate.

31. If you get a very good sample of barley
n in the neighbourhood of Trieste, would it
e equally possible to get as good barley on
anube, which is pretty nearly in the same
de?—I cannot answer that question satis-
ily to my own mind.

32. Now with regard to the barley that you
rom Odessa, the Black Sea, and Egypt; is
deteriorated very much in quality by heat-
n the voyage?—It depends entirely upon
tate in which it was harvested and put on
the vessel; if you get the barley harvested
y weather it very seldom heats; it comes
ctly cool; but if there is the least wet during harvesting, and it is not properly harvested and shipped perfectly dry, it does heat very much indeed.

2533. As a general rule, does it come in good condition or in a heated condition?—It depends upon the crop.

2534. If you receive a certain quantity, what per-centage would be heated in ordinary years, and what per-centage would come in good condition?—This last year there has been nothing hardly heated. In some years a large proportion comes heated; it depends very much upon the way it is harvested; if it is wet weather when it is lying on the fields, a great portion becomes heated; but if it is taken up dry, without wet, a very small portion becomes heated.

2535. Colonel *Duncombe.*] Have you any dealings with the large pale ale brewers, such as Base and Allsopp?—We have had very large dealings indeed.

2536. Do you sell the Saale barley to them?—Yes.

2537. Does the Saale barley answer their purposes for that kind of brewing?—Nothing can be better, I believe.

2538. Major *Parker.*] Do you buy your barley by weight, or by measure?—Much the largest proportion is bought by weight, but occasionally you may buy some by measure; I believe instances of that mode of buying become rarer every year.

2539. Do you, as a rule, consider weight a test of the value of barley?—Not the natural weight of the barley, because there are some barleys that weigh very heavy naturally, which are not so good as the barleys that weigh lighter.

2540. Mr. *Arthur Peel.*] Is the tendency of the malt tax at present to bring first-class barley into use or not?—I should say decidedly it is so.

2541. Do you think that a second-class barley would be used if the malt tax were repealed?—It would be used more largely than it is now.

2542. What is the quality of the barley now introduced from foreign countries; is it mostly first or second quality?—The largest proportion is grinding barley.

2543. What do you say to the California and Chili barley?—I have not seen enough of it to to give an opinion, but I have heard that there is a large quantity of Chili barley landed in Liverpool which has given general satisfaction; but that is a rare thing; it happens very seldom.

2544. You think if the best class of barley was wanted for malting purposes, in the event of the malt tax being repealed, we could get it from foreign parts?—I think you could get as much as you do now.

2545. But there would be a larger demand for it?—I do not hold quite that opinion.

2546. Mr. *Dent.*] Is not the tendency of the corn trade to sell all grain by weight?—It is.

2547. One theory of the effect of the repeal of the malt tax is, that the prices of barley are to be raised. Supposing barley rises in value, it would pay the foreign importer to send more barley here, I presume?—It would, if it rises in value.

2548. As far as you know, is there a limit to the production of barley?—I should, say there is not.

2549. Do you know whether the area in which the Saale barley is grown is it limited or not?—It

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It certainly is a limited area; it is not capable of indefinite extension.

2550. Where is the district where the Saale barley is grown?—It is in Brunswick; it is the valley of the Saale river.

2551. Is the importation of the Saale barley increasing?—I think it does not. The Saale people grow the crop of barley, which is at present exported. It depends upon the extent of the crop whether the exportation is large or small. Some years it is larger than others.

2552. As far as you know, you do not think that the quantity of Saale barley could be much increased?—I should think it could not increase very much.

2553. Does not the whole of the Saale barley come from Hamburgh?—Mostly, because Hamburgh is the most convenient port.

2554. In the north midland and north part of Europe, in the Vistula, and other places, could not barley be grown?—The barleys grown in those districts are not so fine; but in some years a good barley comes from the Vistula.

2555. Then there would be in good seasons an unlimited extent of country in which the barley might be grown?—I should think so.

2556. France has a limited quantity?—Yes, it has.

2557. But when you come to the other districts which you speak of, that from Trieste, which has been very good this year, I presume there are very large tracts of country that might be adapted to the growth of barley?—I should think so, for that quality of barley.

2558. No doubt if the price of that quality of barley were considerably increased, it would turn the farmer's attention to the promotion of the growth of barley?—I should say so.

2559. Therefore we cannot consider that the area for the growth of barley adapted for malting purposes is only a limited area?—No, I should say not.

2560. Is it a limited area, should you think, in this country?—It is restricted within certain limits I should say, but that is a very difficult question to answer. Barley appears to me to be an article particularly depending upon climate and soil; because, even in this country the variety of barley is extremely great within a very short space.

2561. But we have Saale, French, Silesian, Trieste, and Chilian barleys, all spoken of as amongst the first-class barleys?—I should not put Chilian barley amongst the first-class barleys.

2562. I understood from what you said that it was a first-class barley?—I did not intend to say so.

2563. A gentleman said here the other day that he has seen beautiful barley from California and also from Chili?—I should not put that in anything like the same category as Saale barley.

2564. Would it range with the barley from Trieste?—It might come nearer that class of barley.

2565. Would it rank with the French barleys?—I should not put it near the French barleys either, if of good crop.

2566. *Chairman.*] I think I gather from all that you have said that it is your opinion that if the malt tax were repealed, the price of barley would be higher, particularly the second-class barley?—That is a very difficult question to answer, and I should not like to answer it with consideration. I believe that if you repeal malt tax, you will increase the import of bar I should say the consequence of the large im would be to keep the price down. There is doubt that it is a difficult article to deal with is the most difficult article in the trade.

2567. Why is barley the most difficult arti to deal with?—It is very difficult to deal wi because, in the first place, the crops of barley the same counties vary so much. One year have a very fine crop, and another year a ve poor crop; and then you must look somewh else for your supply. A year or two ago a gr deal of Canadian barley came, a thing which ve seldom happens; for many years we never see Very likely we will have no more Chilian barl for several years; in France they have a ve very fine crop of barley some years, which is for the use of the best maltsters.

2568. Taking one year with another, is home-grown barley superior to all the classes foreign barley imported into this country?— is.

2569. And it would therefore always comma the best price in the market?—I should say certainly.

2570. That you have no doubt about, I su pose?—Not the slightest.

2571. Mr. *Dent.*] You mean that the be English barley is better than the best foreig barley?—With the exception of some of the ve finest Saale barley.

2572. *Chairman.*] Taking one year with an ther, the general average of English barleys better than the average of foreign barleys whi are fit for malting purposes, is it not?—I shou say it is.

2573. In that I include those second-class ba leys which are used now for making porter?— is the same with that.

2574. And taking the first-class malting barl and the second-class malting barley, on an ave age of years, we in this country should be able grow better barleys than they could send us fro abroad?—I should say so.

2575. Then, if that is the case, and the mal tax were repealed, I do not think we need ha much fear of foreign competition, excepting regards quantity?—I should say not.

2576. Do you know anything about brewi at all?—I do not.

2577. Do you know that sugar is used ve much in brewing?—I have heard so.

2578. I suppose you know that there is a ve heavy import duty upon sugar?—I do.

2579. And you know that the brewer has pay a duty upon sugar, in his brewing ope tions, of 3 *s.* 4 *d.* a-hundredweight?—I ha heard so.

2580. Supposing the malt-tax were repeal and that the brewer could use malt with no du upon it, do not you think that he would use malt preference to sugar?—I should say so, if he we on the same terms. I should think the brew would always use malt in preference to sugar.

2581. Do not you know that the consumpti of beer is increasing annually?—I believe it generally.

2582. And, consequently, if there was a grea quantity of malt used in the production of th beer, there would naturally be a great stimulus ome trade, as well as the foreign trade?—e no doubt about that.

3. That would all tend to the benefit of the cer of barley?—Yes. Whatever raises the of course, does benefit to the producer.

4. I think, in answer to a question which ut to you, you said you did not know much the Vistula country, that is about Poland? now that it is a very fine wheat-growing ry.

5. Do you know the character of that ry at all?—No, I do not know it particu-

6. Is it not all an open tract of country, is likely to burn up very much?—I believe o.

7. That is one reason why that country better wheat than it does barley?—I e so.

8. Otherwise, no doubt, you would have arley from there the same as you have from aale district?—I should say so.

9. You know nothing about the operations lting, I presume?—I do not.

0. Lord *Eustace Cecil.*] Then the area of y growing in foreign countries, you say, is d, is it not?—It is, for fine barley.

1. But is it so for all barley?—It is, practi- unlimited, for the production of grinding y. You must make a difference between ing and malting barley. The area is, prac- y, limited for the production of fine malting y, but, practically, unlimited for the produc- f barley.

2. Are you aware that according to the ns of the quantities of foreign malt im- d into the United Kingdom, there has been at variation in the number of bushels im- d every year?—I should say so.

93. It is sometimes more and sometimes —That is very likely for the reason I have before; that in some countries the quality e barley crop alters so much. If you have crop of barley in the countries from which export malt, they cannot export it.

94. Taking one year with another, the nt of best barley that is imported for malting oses, is very much about the same, and does ary?—I should think it varies.

95. It varies, of course, in a year, but taking erage of five or 10 years, it would be much ame, would it not?—I could not answer without looking into the question further.

96. You have drawn a distinction between est class of barley for malting purposes, and ther sorts of barley which you say is un- ed?—I should say that the area for the uction of grinding barley is practically un- ed.

97. I want to know whether the quantity of est kind of barley imported into this country alting purposes, taking five or six years, is t the same?—That I could not answer with- ooking into it.

98. Do you know whether any good barley alting purposes is grown in the United es of America and California?—I should say is very little barley grown in America that ld please the best maltsters here; but of se it is malted. I should say there is very barley grown there that would make malt h would fetch a high price in our market; there is, no doubt, barley grown in America which is malted.

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2599. Does it find its way to the English market?—Very rarely indeed; but when it comes here, it is a second class barley entirely.

2600. Now with regard to Hungary and Russia, you know that both those countries are being opened out by a system of railway communication?—I do.

2601. Will that have any effect upon the price of barley?—I have no doubt as regards barley generally, it will, but not as regards very fine barley. I do not think they can grow it. Whether there is any part of Russia with a different soil and climate that the railways can reach, I cannot say.

2602. You know of no very good Russian barley being brought to this country for malting purposes as a rule, do you?—I do not.

2603. Are you willing to allow that it is possible if railway communication extends through all the countries where fine barley is grown for malting purposes that there may be a considerable increase?—No doubt there will if they grow it, but I have never seen it in my experience.

2604. But is that the general result of your own observations as to the finest barley, that the average amount of bushels imported into this country is very much the same?—That I cannot say.

2605. Colonel *Duncombe.*] Is there much barley adapted for grinding purposes imported into this country now?—Very large quantities.

2606. You think that supply is unlimited?—I should think it is practically unlimited.

2607. Major *Parker.*] Where do you buy your foreign barley, in this country or abroad?—Abroad; a considerable part is consigned for sale from the different places, and whatever we buy abroad of large firms is imported, a good deal from Stettin, in Prussia, and other places.

2608. Are your barleys sold by sample or weight?—By both.

2609. Is that the general rule?—As a general rule they are sold both by sample and weight.

2610. Do you think that during the past two or three years the quantity of high-class barley imported into this country has been as much as could be spared from those foreign countries?—I think so.

2611. Why do you think that the repeal of the malt tax will bring more barley into this country?—Merely because we generally find that when taxation is taken off grain, the imports have always increased.

2612. But inasmuch as the high prices that have been obtained during the last two or three years, has in your opinion brought all the barleys to this market that could be spared, how could they, even if the malt tax were repealed, send more barley into this country?—I should say that the lower price for barley here would increase the demand, and that would increase the efforts made abroad to supply the demand.

2613. I think you said that the very high price which we all know barley has fetched during the past two or three years, has had the effect of inducing foreigners to send all they could?—Yes, I did.

2614. Could they send more, even if the malt tax were repealed?—In the first place I should say that if the malt tax were repealed it would no doubt increase the consumption of beer by

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cheapening it. Then the foreign people would know that there was a larger consumption required to be satisfied in this country. They would consequently make their arrangements for supplying this consumption by extending the area of cultivation; but that is a mere opinion of my own.

2615. You mentioned that there were only certain districts that produced barley, fit for making malt?—That is as regards fine malt; but no doubt beer would be made from other malt besides very fine malt if it was wanted.

2616. If there were more beer made, and a greater demand for barley to make the beer in this country, it would surely benefit the home producer of barley as well as the foreign producer of barley, would it not?—I do not know that; it would bring a greater competition against him.

2617. Competition has been in course of progress during the last three years, with the additional stimulus of very high prices?—Yes.

2618. And the dealers have searched the country round, and got all they can?—High prices are uncertain.

2619. They continue year after year?—The prices may fall next year.

2620. Have you not told us that the weather very much affects the price of barley?—No doubt it does.

2621. Then would it not, as a matter of course, depend very much upon each year whether markets for good barleys were to be met with?—No doubt it would.

2622. And the relative price of good barley would be regulated accordingly?—Yes, it would.

2623. Mr. *Arthur Peel.*] Has barley now reached such a price that a fall might be expected if the restrictions were removed?—I cannot speak as to the restrictions; but the barley has been high in price during the last two or three years.

2624. The better class of home barley would increase in price in case of the repeal of the malt tax, would it not?—No, I do not think it would.

2625. Do you think it would maintain its price?—I think the malt tax has a tendency to make the fine barley high in price, in proportion to the other sorts.

2626. What would be the effect of the repeal of the malt tax upon the best barley?—The effect would be to cheapen it.

2627. What would be the effect upon the ininferior home barleys?—I should think it would raise the price of them a little; the effect would be to equalize the prices.

2628. Mr. *Dent.*] You say that you think that the repeal of the malt tax would rather raise the price of inferior English barley?—Yes, I think so.

2629. Supposing it to do so, would there not be such an importation of foreign barley of that quality as to keep it down?—What the effect would be I do not know; but I should think there would be a larger importation of inferior barley to be malted.

2630. Supposing that to be the case, it would keep the inferior English malting barley at its present value, and check the tendency to rise?—Yes, I should think it would.

2631. The high prices have brought barley from Chili and California, where they had not come from before?—Yes, they have.

2632. And just as high prices are bringing th Australian wheat and Californian wheat?—Y

2633. And the quantity imported, and th distance from which it is brought, depend up the price?—Yes; the higher the price, the fu ther you can go.

2634. *Chairman.*] Have you exported any ma at all?—Yes, I have.

2635. Where have you exported to?—W ourselves, have exported it to Portugal and th Cape of Good Hope.

2636. Have you exported any to Australia?- If we have, it is a small quantity; and I coul not answer that without referring to our books.

2637. What is it necessary to do, in packin to preserve the malt when sent to the Cape Good Hope?—We pack it in iron tanks.

2638. Do you exclude the air?—Yes, w do.

2639. Malt will travel very well if the air excluded; but you are obliged to be very caref in packing it, in that respect, are you not?—W are.

2640. What do you do with the malt you sen to Portugal?—We ship it in sacks and send by steamer.

2641. How long does it take to go to Portugal?—From seven to ten days.

2642. For that time it will do very well i sacks, I suppose?—I should say so; we shoul not send it in sacks if it did not arrive there properly in a good condition.

2643. The difficulty of importing malt, a ver great distance, is the packing of it?—That i so.

3644. That is the most expensive part of th operation; you are obliged to pack it expensivel are you not?—You are obliged to pack it; bu I should think it might be imported in bulk, you could put it in a ship by itself, because the the air would not get down to it.

2645. Are you not obliged to use zinc, or ti and to keep it covered in?—That I do not know we have never imported malt in bulk.

2646. Do you know whether much malt i exported to Australia?—Not a large quantity, believe.

2647. But a large quantity of beer there i exported to Australia, is there not?—I believ so; but that I do not know particularly.

2648. Sir *Edward M. Buller.*] Have you an idea of the expense of these grain chests; ho much per quarter will it add to the expense the malt when you send it to the Colonies?— could find that out for you, though I do not know because in our business there are people wh attend to such matters.

2649. Could you say whether it is considerabl or not?—Yes; I believe it is considerable upo the value of the malt.

2650. There is a considerable difference in th expense of packing in iron safes, and packing i sacks, is there not?—Yes, a considerable diffe ence; but I could not exactly tell you what it without referring to it.

2651. But you say that the malt is not subje to any deterioration?—Very slight; I should sa not any.

2652. It never heats?—I have never known to do so.

2653. You would almost say that it never ca heat?—I have never known it to do so; but cannot say whether it would positively.

2654. M

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4. Mr. *Dent.*] The repeal of the malt tax l not much affect the quantity of the malt ted from this country?—I should think not se a drawback is got.

5. Major *Parker.*] As an exporter of malt have you any cause to fear competition, from foreign malt, by repealing the malt tax?—No; we export so very little it is an infinitesimal part of our business; it would not much matter to us if we exported nothing, it is so small an affair.

MR. MATTHEW FULLER WOODLEY, called in; and Examined.

Mr. *M. F. Woodley.*

6. *Chairman.*] I THINK you are a Corn r at the Old Corn Exchange?—I am.

7. I believe you have been 20 years in ess; I may say all your life?—Nearly all fe.

8. Your father was in the same business 50 before you, was he not?—He was.

9. I think you buy more largely, perhaps, any other merchant in London?—I think I on commission, more English barley on the market.

0. Take the English barley first, do you get ish barley from all parts of the country?— our business is principally in Suffolk, Nor- and Essex.

61. You consider Norfolk and Suffolk, I me, to be the best barley growing counties igland?—Yes, Suffolk more than Norfolk.

62. Do you generally receive those barleys ell them to the large maltsters?—Yes, to the maltsters and brewers who malt.

63. You buy on commission for both malt- and brewers?—No; we sell on commission he shippers, the country merchants and ers.

64. Does the bulk of the barley come from lk?—By sea from Suffolk, Norfolk, and x; and a great quantity by rail.

65. What is the best price of the best ish barley this year?—I think I made 49 *s.*

66. Was that Suffolk barley?—It was lk barley.

67. Do you sell much of the second class y?—A great deal.

68. What is the price of the second class lish barley?—The average price of the d class English barley would be from 39 *s.* 2 *s.*; there must be a range, because the ty varies so much.

69. And there would be from 6 *s.* to 10 *s.* ence between the second class and the first , is that so?—Yes, that would be the differ- between the extreme prices.

70. Do you sell a large quantity of the d class barley?—A fair proportion.

71. Do you sell the second class barley to Burton brewers at all?—No; we do not do a with the Burton brewers; it is cheaper for to buy in the country direct; so, unfortu- y, it does not come through our hands.

72. Do you supply the London brewers?— the suburban brewers who malt for them- s.

73. Do you find that they buy a great tity of second class barley for porter brew- —No, I think not. I generally find that the ers who malt for themselves buy the best y. Though some of the maltsters, who make ale for the brewers, come and buy the very others buy the second class barley. The er who makes his own malt thinks it is his est to buy the very best, and it is so, there is oubt, because it pays the same duty, and the ufacturer gets a better article; but the maltster who makes to sell again, sometimes gets more profit upon the secondary barley than he would upon the best, because he cannot command the highest prices.

2674. Do you sell grinding barley at all?—I do.

2675. What is the difference between the second class barley and the grinding barley?—This year there has been very little English barley for grinding, it is too dear; foreign barley has taken the place of it. The common English barley is taken principally by the brown maltsters and malt roasters.

2676. We had it in evidence on Tuesday last, that nearly the whole of the barley crop was made into malt this year?—Yes; it was too dear for grinding.

2677. Not taking this year, but taking it on an average of years, what should you say was the difference in price between the second class malting barley and the grinding barley?—I should say not more than 3 *s.*

2678. I recollect, about two years ago, when the first class barley sold as high as 46 *s.*, that there was grinding barley sold as low as 26 *s.*?—But that, I believe, was in a wet season, and it was not fit for malting.

2679. Supposing the malt tax were repealed, is it your opinion that the first class barleys would be increased in price?—No; my idea has always been, and I have argued it with my friends the farmers, that if the malt tax is repealed it will not be a good thing for the English farmers. Now the brewers buy the very best barley, because there is the same duty upon it as upon other barley, and there is the same expense in making it, and they are sure to have a good article; whereas they will not use the common barley, because in case of its not turning out well they risk their duty upon it; good English barley is sure to make good malt. If the malt tax were repealed they would not get such a high price for their best barley, because the maltsters would be disposed to use commoner barley than they do now.

2680. Is it your opinion that if the malt tax were repealed the second class barleys would be increased in price?—Yes, slightly; they would be more equalised.

2681. The first and second classes would be more equalised in price than they are at present?—I think so.

2682. What is the quantity of English barley which you sell in the course of the year?—It is impossible to say, it is a great deal.

2683. Could not you tell within 10,000 quarters?—No.

2684. Do you have large consignments of foreign barley?—A good deal we import, and have consignments too.

2685. Where do you import from?—From all parts, principally the Baltic, Stettin, and also Hamburg, Trieste, and France.

2686. The Baltic barleys which you import, are

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are Silesian barleys, are they not?—Yes, Prussian barleys.

2687. Do you import much Saale barley?—Yes, some seasons we do.

2688. Is there not also a good barley growing district in Denmark?—There is not, for really fine barley. It is used for common malt, but not for the best malt. There are rare instances in which it is very good.

2689. Do you agree with the witness who has just given his evidence, that the Saale barley is the best foreign barley?—I do.

2690. What is about the average price of the Saale barley?—46 *s.* per quarter.

2691. What is about the average price of the second class of that barley?—On the average it was 40 *s.* per quarter, I should think. I do not remember positively.

2692. Is not the Saale barley principally used by the pale ale brewers?—Yes, the Burton brewers; they say it has a finer skin and makes more delicate malt.

2693. Do you know the area of the Saale?—No; but it is a limited area.

2694. Do you know the quantity of barley imported from that country?—I do not.

2695. It is very large, is it not?—I do not know, but it principally goes to Burton.

2696. Take the Saumur, the French barley; is that a good class of barley?—Yes, but it is not equal to the Saale, I speak of. The Saumur barley is good; it ranges in price with our English secondary barley.

2697. Do you know that country at all?—I know that district.

2698. Is not the largest barley-growing district in that country round Saumur?—Yes; but there is a great deal of barley that comes from the north of France shipped from Caen.

2699. Do you think they could increase their growth of barley much in France?—I think, with the high price of barley, they will. Where they can put in barley instead of wheat they will, but then they have to go through the same routine as we do, the regular course system; they have the three or four-course system, the same as we have here.

2700. Of course, all the districts on the side of the river, where they can grow grapes they would not attempt to grow barley?—No, they would not.

2701. But where there are no vines they do grow barley?—Yes, they grow barley, of course, round Saumur.

2702. The Saumur district is the best, is it not?—Yes; and a great deal of that barley goes to Burton.

2703. And it is, on the average, 3*s.* or 4*s.* cheaper than the best English barley?—Yes, it is.

2704. We have heard a good deal about the Black Sea barleys: does your opinion coincide with that of the witness who preceded you in regard to the quality?—It does.

2705. The Danubian barley is not good for malting, but it is good grinding barley?—The barley shipped from the Black Sea is grinding barley; but in dear years the black maltsters will use the best Danubian barley; this year they have been using it, in consequence of the high price of English barley.

2706. But, taken as a general rule, the Danubian and Black Sea barleys are grinding barleys, are they not?—Yes.

2707. The black maltsters have used them thi year?—They have.

2708. Then, with regard to that barley, Mr Gladstone's Malt by Weight Bill comes int use?—Yes.

2709. With regard to the Trieste barley, is tha used for grinding or for malting purposes?— great deal of it is used for malting, particularl the finer portions. The high price of barley th year has driven them into new resources, an they use the common barley even; that is, a regards the black and brown maltsters, not th pale ale maltsters.

2710. I suppose there is almost an unlimite supply from that part of the country?—The suppl of Trieste barley is increasing in consequence the Hungarian railways being developed.

2711. As a rule that barley would not inte fere much with our English fine barley, woul it?—No; but with the English common barley the brown malt barley, it would.

2712. You think it would reduce the price the brown malt barley?—It would tend to tak its place and to lower it.

2713. As to the barley from Chili, do you think Chili can produce much barley?—No; i greatly depends upon the climate upon an averag of years; I saw one sample of Chilian barley thi year, and it was equal to the finest sample of barley in appearance, but that was only a few bushels

2714. With regard to California, do you think California would produce much barley?—No, it is too hot.

2715. But the United States might?—Canada produces some.

2716. Is that a good class of barley?—It i at times; but it would not interfere with fin English barley.

2717. Taking it on an average of years, d you think that there is anything to disturb th price of English barley, as being superior on th whole to foreign barleys?—English barleys wil always command a better price than the foreig barleys on an average; I believe their maltin properties are better.

2718. Do you export any malt?—We hav done so; but only in small quantities.

2719. Where to?—To Australia.

2720. How did you pack it?—I think it wen in iron tanks which sell out there at a good profit We merely did that on commission; I know no thing about it, I have only understood so.

2721. Sir *Edward M. Buller.*] I think you mentioned the black, the brown, and the pale al maltsters?—Yes; there are three.

2722. Does the black maltster use the wors kind of barley?—Not always; he has to make i into pale malt, upon which he pays duty; h then roasts it into black malt to give a colour t the beer, it is actually burnt black.

2723. Then he pays duty upon the pale malt —He does.

2724. But he turns the pale malt into blac malt?—Yes, that is so.

2725. Or into brown malt?—No; brown ma is a separate operation.

2726. The black malt would be made from th best classes of barley?—No, from the common barley.

2727. And the brown malt would be mad from the commonest barley?—Not so common a the black malt.

2728. If the maltster could get it at the sam pric

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, the best class of barley would answer his
ose better than the inferior barley, would it
—For the brown malt? yes; but it is not so
the black malt. The black malt is only
for its black qualities.

29. Is the black malt used for porter?—Yes,

30. We have been told that a great deal of
heaper kind of barley is malted for the pur-
of brewing porter?—Yes, they use brown
lack malt in porter brewing.

31. Would the porter brewer go to the
maltster for part of his malt, and to the
n maltster for the rest?—Both businesses
enerally carried on by the same people.

32. But both the brown and the black malt
be made from an inferior sample of barley?
at is so.

33. You cannot give us any idea with re-
to the proportion of brown and black malt
in comparison with pale malt?—No. The
facture of black malt is about 100,000
ers a year; I believe so; but I cannot say
a fact.

34. And how much of the brown malt?—
not know. I merely happened to ask a
l yesterday, after I received notice to attend
and he said he thought that the quantity of
malt manufactured was from 80,000 to
00 quarters per annum.

35. Are you aware whether there is any
sition on the part of the public to consume
malt rather than black and brown malt, or
everse, as regards beer?—I do not know.

36. You do not know whether the public
sets one way or the other?—I believe the
class generally are very fond of porter.

37. Is it not a fact, that a great deal of
d class barley is now made into malt?—
a great deal.

38. Colonel *Duncombe.*] What is the object
nverting pale malt into black malt?—To get
ck colour.

39. Why is a black colour required?—To
the porter black.

40. I think you say that you argued with
rmers that it was not their interest that the
tax should be repealed?—I did.

41. I believe you tell the Committee that
epeal of the malt tax would have the effect
ualising the price of barley?—Yes; that is,
armer would not get the extremely high
for the finest barley which he now has.

42. Would not the growers of inferior quali-
f barley benefit by the repeal of the tax?—
much; and I think they would not get the
mely high price they have had for the best
y.

43. In some parts of England they cannot
the finest quality of barley; and I ask if
who only grow the inferior quality of barley
d be benefited?—I think that would only be
small proportion.

44. Do not you think that those who grow
nferior qualities of barley are in greater pro-
on to those who grow the better class of
y?—That is so.

45. The finest qualities are confined to Essex,
olk, and Suffolk, are they not?—Yes; but
grow good barley in Kent, Hampshire, and
ex too.

46. The parts of England which grow the
best barley, are of much smaller area than
those which grow second class barley?—Yes; but the best barley in Hampshire and Sussex commands a comparatively higher price than that of the commoner sorts.

2747. In the parts of England where the climate is not so good, in Hampshire, Sussex, or Essex, supposing the malt tax were repealed, would not the growers command an increased price for their barley?—I do not think they would.

2748. You have told us that it would equalise the prices?—I have.

2749. You said that the grinding barley had been sold this year to the brown maltsters?—That is the barley that had in other years been used as grinding barley.

2750. Is the grinding barley capable of being converted into malt?—Any barley, if it will grow, will malt, even the worst samples; but with the heavy duty it does not answer to malt it.

2751. It is the heavy duty which interferes with the inferior samples of barley?—Yes, I think so; because the manufacturing process is the same with inferior as with good barleys.

2752. Major *Parker.*] Do not you think that the high price that barley has fetched during the last two or three years, has brought in all that could be spared from foreign markets?—I think the high price has brought here all they have to spare; but I think they would increase the production, where they could do so, if they were sure of the price lasting.

2753. Did I understand you to say that they could increase their quality in the Saale district?—No, I am not sure about the Saale district; but Moravia and Silesia produce very good barley, and there, I think, the produce could be increased.

2754. You said that the English barley was sure to make good malt?—Yes.

2755. Do not you think that the better class of English barleys, such as you speak of, would always have the advantage in the English market?—The finest English barley will always command the highest price.

2756. Then, if there is but a limited extent of land suited to the cultivation of the better description of barleys, why do you caution your agricultural friends against the expediency of abolishing the malt tax?—Because, I think, that where the brewers now buy the best barley on account of the quality, if they had not to pay the heavy duty upon it, they would be inclined to use the commoner barley, and not give the extreme price for it; and, I think, it would equalise prices.

2757. You mentioned that you do not dread foreign competition in malt?—No, I think the brewers now use the best barley. The cost of manufacture is the same of the best as it is of the inferior barley; but the duty being so heavy, if the malt does not turn out well, he risks losing part of the duty. If there was no duty to pay, he would not mind risking the cost of the manufacture.

2758. You are an exporter of malt, are you not?—To a very limited extent.

2759. If malt could be imported duty free, would you dread foreign competition?—No; the only thing to be feared is that labour is cheaper abroad.

2760. Do you think that that would more than

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compensate for the additional skill used in England?—No.

2761. You do not dread the importation of malt?—No, their only chance would be in labour being cheaper; labour is much cheaper abroad than it is here.

2762. Mr. *Arthur Peel.*] Does the malt tax induce brewers to use the best quality?—It does.

2763. And if the malt tax were repealed, do you think the best barley would be reduced in price?—I think it would be slightly reduced in price.

2764. And the two barleys would be equalised?—Yes.

2765. In one point of view the malt tax might be looked upon as protective to the growers of the best barley, might it not?—To a certain extent it might.

2766. If this country grows the best barley, and the best barley would be diminished in price, the repeal would operate against the best barley country?—I think so.

2767. The growers of best foreign barleys would successfully compete with the growers of the inferior barleys in this country?—Yes, they would.

2768. Then, if our inferior barley growers are successfully competed with, and the fact that we grow the best barley is thrown away, how should we benefit?—It would be against the interest of the farmer.

2769. Mr. *More.*] When you speak of the best barley, what is your criterion of the best barley?—The quality of the sample affords an indication.

2770. Is there as good barley grown in any part of France, as the best barley in England?—No, there is not.

2771. Does any other country, on the continent, grow as good barley as is grown in England?—The best Saale barley is nearly equal to the best English barley.

2772. Do you buy barley from France?—I do.

2773. Is the barley which you get, second class, compared with barley grown in England?—The very best French barley, generally, commands from 3*s.* to 4*s.* below the best English barley; but there is a great deal of secondary French barley.

2774. Does much of it come into this country?—Yes, a great deal.

2775. Mr. *Dent.*] Do you think, from your acquaintance with the agriculturists, that the growth of barley could be much increased in England to advantage?—I think they can increase it a little, but the English farmer acts upon certain principles that cannot easily be altered.

2776. Some witnesses have stated that if the malt tax were repealed it would be an encouragement to the growth of barley in this country; I rather question that in my own mind, and I want to know what you think of it?—They generally get a better crop of barley than wheat; and with the high price, it has paid them much better; this year we had a high price for wheat, and where they could sow wheat they have done so.

2777. Last year's produce of barley was one of the worst known in England; it was very short in quantity last season, was it not?—No; I do not think so.

2778. How do you account for the the extremely high price?—Everything was dear; and you will never have any cheap barley when you have very dear wheat; but last year the price of barley were very high.

2779. Do you know anything with regard to the Chilian and the Californian barleys?—I have seen them.

2780. What kind of samples have you seen?—Generally, the Chilian barley is long hard barley; but some that I have seen is very fine.

2781. Have you seen any fine Californian barley?—No, I have not.

2782. As I understand you, there is a prospect of an increase in the growth of the high second class barleys in foreign countries?—I think so; there is more land coming under cultivation.

2783. If the price were sufficient to tempt them to cultivate it, it would be so?—Yes.

2784. Therefore, large growers of second class barleys in England, if the price rises in England, will have the foreigner competing with them?—They always have foreign competition. If barley is grown abroad it will come to whichever country pays the best; if it pays best in this country it will come to this country.

2785. Your opinion is, that the repeal of the malt tax will not be an advantage to the agriculturists?—That is my opinion.

2786. *Chairman.*] I think you have stated that supposing the malt tax were repealed, the prices of second class barleys would increase?—The second class English barleys would be more equalised with the price of the fine barley. I think it would tend to reduce the top price, and might raise the second price.

2787. You have said, also, that taking one year with another the English barleys would always command a higher price than the foreign barleys?—As a rule; but I must add that some of the very best Saale barley is equal to the English barley, and commands the same price.

2788. I think you put the price at 46 *s.*, thereby showing that you thought it was as good a barley almost as the English best barley?—That is as good.

2789. But the area abroad for growing that class of barley is very small?—I believe it is a small district.

2790. You know of no country that can grow a first class barley, excepting one particular cultivation?—No; but there are districts which produce very fine barley, equal to the second class Saale barley, such as the Moravian and some of the Silesian barleys.

2791. But that barley is now competing with English barley?—Yes, it has done so this year.

2792. Taking one year with another, you do not expect any great increase of barley from those countries?—No; unless the amount of land under cultivation increases very much.

2793. Would they grow more barley than wheat?—They would grow all the usual crops I imagine.

2794. In regular rotation?—Yes.

2795. It has not been the custom to grow in regular rotation, has it?—I believe they are getting into the English system of farming.

2796. But even with all that, you do not think that they could compete with our fine barley?—No.

2797. Have you ever looked into any of the statistical returns of the quantity of barley that might

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ıt be grown in this country?—I cannot be-
them.

'98. There are authorities, who have been
the country, and they have distinctly stated
a greater quantity of barley might be grown;
afraid to say how much, but something
considerably; I will say as much as one-
more than is grown at this present moment?
believe the English farmer will grow all that
ın.

;99. Do you think that one-third more
y could be grown in this country than
is grown at the present moment?—Cer-
y not.

00. Do you not think that there are certain
in this country not cultivated as barley
ing lands, which might be so cultivated if
econd class barley was more profitable than
at the present moment?—I cannot give a fair
er to that question; it is a question for a
er entirely.

01. Sir *Edward M. Buller.*] I understand
to say that you consider that the repeal of the
tax will tend to equalise the prices between
first-rate barley and the inferior barley?—

02. Do you think that it will be by levelling
rice upwards or downwards?—It will level
ine barley downwards and the second class
y upwards.

03. Do you anticipate any great increase in
rice of inferior barley?—I do not.

04. Why not?—Because we shall have foreign
y.

05. Your opinion coincides with that of the
ous witness, that if there is a power of intro-
ıg a large quantity of barley from abroad, it
prevent the price of inferior barley rising
much in this country?—Yes, we had a large
rtation of foreign barley, and we shall have

06. You think that it might be increased?—

07. Therefore any increase in the consump-
of inferior barley in this country, in conse-
ce of a repeal of the malt tax, would be
than met by the importation of foreign
y from abroad?—I cannot go so far as that;
ıave large importations, and we shall always
large importations of foreign barley, but it
ys has tended to keep the price down, and it
tend to keep the price down; it is a question
pply and demand.

08. Would you, then, be of opinion that the
al of the malt tax would generally raise the
of inferior barley to any considerable
ınt?—I do not think it would.

09. Not to any appreciable amount, you
?—No.

10. You mean, because the foreign barley
ld come in?—We shall have foreign barley.

11. Is that the reason why you think that
dvantage would be obtained by the farmer
the repeal of the malt tax?—I think not;
then the farmers argue that the repeal of the
tax would be so beneficial to them, that they
ld be able to use their own barley as they
That is another question entirely.

12. You merely argue it upon the question
rice?—Just so.

13. Colonel *Duncombe.*] I think you said
thought the farmers had no means of increasing to any considerable extent the quantity of barley grown?—I think they have not.

2814. Would not that have rather the effect of keeping up the price of barley, even supposing a large importation from abroad?—I believe English barley will always command a good price, because it is of good quality for brewing.

2815. If they do not increase their quantity, it would rather tend to keep up the price in this country?—Yes; the English barley must always be the better barley.

2816. In your opinion, cannot the farmer grow an increased quantity of barley by adopting a different rotation of crops?—Only to a limited extent.

2817. Are you aware, during the last year or two, when barley was very high and wheat was very low, of the difference in the quantity grown?—No, except that I have been told that there is this year more land under wheat than used to be, which is in consequence of the high price of wheat.

2818. Is it not the tax upon malt that really affects the price of the inferior qualities of barley in this country, because it is not so much worth the while of the maltsters to pay a heavy tax upon the lower class of barley?—That is the reason why the first quality of barley has always commanded a high price.

2819. Mr. *More.*] Are you not aware that in many counties farmers have discontinued their barley growth to a great extent, owing to the malt tax?—I never found it so.

2820. Mr. *Dent.*] Since the repeal of the corn laws, do you think that the price of barley has fallen in the same proportion as wheat has fallen in England, taking the general range of prices?—I do not know; but English barley has always commanded a good price.

2821. And when wheat has fallen to the very lowest prices, yet barley has not fallen in the same proportion?—No; it has maintained a good price.

2822. Therefore the tendency, in spite of the malt tax, would have been to farmers to increase their quantity of barley, although there is a malt tax?—I think they have grown as much barley as they could in many cases.

2823. It is a crop which has borne a higher price in proportion than wheat?—Yes, or at least quite as good.

2824. You must have a very large acquaintance with farmers, dealing as you do, and you probably know a good deal of the country?—I do.

2825. And you do not conceive it possible to carry out a good system of agriculture, by which you could grow one-third more barley in England?—As far as I have heard, I do not believe it; I think it is impossible.

2826. *Chairman.*] Supposing the malt duty were taken off, and we had a much larger supply of barley, and the prices of barley were even decreased, would not that tend to reduce the price of beer?—It ought to reduce it to the amount of the duty, 21 *s.* 8 *d.* I question whether it would reduce it any more.

2827. Not if the barley were cheaper?—It would not make an appreciable difference; the consumption of malt does increase every year.

2828. And the consumption of beer increases, does it not?—Yes, a little; and the consumption of malt also.

2829. Then,

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2829. Then, supposing there is a greater increase and a greater demand, they would be able to sell their article at a cheaper rate, would they not?—I think not.

2830. But they would be able to do it?—To the extent of the duty, namely, 21 *s.* 8 *d.* only, they would.

2831. And if the demand is greater, would not they be able to sell it cheaper?—If the demand is greater, certainly not.

2832. Supposing there were a much larger number of people who made beer than at this present moment, from the duty being taken off malt, would not the public benefit by it, and get a cheaper article than they do?—No, I do no think they would, except to the extent 21 *s.* 8 *d.*

2833. Then you think there is nothing in th world that can reduce the price of beer excep the malt duty itself?—Nothing, except the mal duty itself.

2834. You do not think that by the monopol being broken through (because you will admi that there is a great monopoly at the present m ment), the public would be better served tha they are at present, with a better and a cheap article?—I do not think so, except to the exten of the duty.

Tuesday, 23rd June 1868.

MEMBERS PRESENT:

Mr. Ayrton.
Colonel Barttelot.
Mr. Benyon.
Sir Edward Manningham Buller.
Lord Eustace Cecil.
Mr. Dent.
Colonel Duncombe.
Mr. Hardcastle.
Mr. Laing.
Major Parker.
Mr. Arthur Peel.
Mr. Read.
Mr. Henry Surtees.

COLONEL BARTTELOT, IN THE CHAIR.

Mr. ARTHUR PRYOR, called in; and Examined.

Mr. *A. Pryor.*

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5. *Chairman.*] YOU are a member of the f Messrs. Truman, Hanbury, and Buxton? m.

6. And you have been in that firm about ars?—I have.

7. You manage the material for brew- he beer; the malt and the hops?—Yes, I

8. And you have done that for some con- ble period?—For nearly 30 years.

9. Your brewery is situated in Spital- , close to the Great Eastern Railway?— t is.

40. You also make nearly all your own malt? do.

41. I think you brew something like 168,000 ers of malt a year?—It was 163,000 quarters ear.

42. Was that all malt, or did it include sugar? gar and malt.

43. How much of that was sugar?—Equal ,000 quarters.

44. Do you take it that two cwt. of sugar is equal to a quarter of malt?—Yes; the e charge us a little in excess of that; but 2 cwt. of sugar is equal to a quarter of

45. Is there a duty of 3*s.* 4*d.* upon sugar? ere is a duty of 3*s.* 6*d.* a cwt.; that is in s of the import duty.

46. The import duty is, I think, about 8*s.*?—

47. And that makes a duty of 11*s.* 6*d.* upon of sugar?—Yes; and if you double that, l bring it pretty nearly to the duty upon a er of malt.

48. Do you mix your sugar with your malt ewing?—We mix the extract of the sugar the extract of the malt; but they are ed differently. Of course the malt is d, and the extract is taken in one vessel, the sugar is put into another vessel and ccharine taken from it in a different way. are mixed and boiled together, and the ing goes on exactly as if we were using all

49. Do you think that you could make as beer from sugar as you can from malt?—Not elf.

2850. You would have to mix it with something else?—Yes.

2851. Supposing you do not mix it with malt, what would you mix it with?—There are many things.

2852. Is chicory one of them?—Yes. If you read the Acts of Parliament you will find immense stringency against using chicory.

2853. Supposing you were not restricted in any way, might chicory be used instead of malt?—Certainly.

2854. What else could you use instead of malt, supposing you were not restricted?—Mangold wurtzel might be used to any extent; in fact, I have tasted very good beer brewed entirely from mangold wurtzel.

2855. Is there anything else you could brew from?—You may brew very good beer from barley itself without malting it; or you might make it from oats or Indian corn. I am now, of course, speaking of the substitutes for malt.

2856. I think you are now prohibited from using anything but malt or sugar in your brewing processes?—We are confined to malt and sugar alone for saccharine purposes.

2857. Do the officers of Excise exercise supervision over brewers in their trade?—Yes, daily.

2858. Can they inspect any, and what operation in brewing?—They can inspect any of the operations they please.

2859. They can inspect any and every operation?—Yes, any operation they please.

2860. Does this inspection interfere with the manufacture of beer?—Not the least in the world.

2861. Do you find that they are civil and obliging, and that they do not strain the law to hinder you in the operation of brewing?—They do not in the least.

2862. Would any alteration be made in the brewing of beer if there were no inspection?—I do not see that it would make any alteration in the least.

2863. Do you know whether cottage brewing is carried on to any extent in the country?—Not in the country in which I live. I find that in London cottage brewing is a perfect impossibility; the poor people who live in a couple or three

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rooms cannot keep a bit of meat or a drop of milk over a Sunday.

2864. I ask it as a general question within your knowledge?—It might be done in the country; but in London or in other large towns it is impossible.

2865. Is brewing carried on by farmers and gentlemen to any great extent?—In the country in which I live it is, certainly.

2866. Both farmers and gentlemen brew?—They do.

2867. Do you think it is on the increase or on the decrease?—It is on the decrease.

2868. Can a cottager or a private brewer brew beer as cheap as a public brewer?—He may nine times out of ten; but his tenth brewing would fail, and probably ruin the whole concern.

2869. That is to say, you think he would spoil one operation, which would ruin the profit upon the other nine?—Yes, no doubt he would; or else private brewing would be much in excess of what it is.

2870. Do you think you can deliver beer cheaper to the private or cottage brewer than he can make it himself?—We do not provide private customers with beer as a general rule; we only supply public-houses.

2871. Do you think that the consumption of beer increased of late years?—Very much indeed.

2872. Has the number of brewers increased?—I do not know.

2873. Would not a much greater quantity of beer have been consumed if the price of malt had not increased so much the last year or two?—No doubt, with other things; I do not think that the price of malt has interfered so much with the consumption of beer as the decrease of wages and the want of employment. The real fact of the case is, that the price of London beer never alters. We tried to alter it 15 years ago, but we were obliged to succumb. We were obliged to alter it during the time of the Crimean war, when the Government put on 10*s.* per quarter extra malt duty; and our experience was, that our trade fell off 23 per cent. from the increase. We had to pay 10,000*l.* more duty, and we lost more money than that.

2874. If the price does not alter, does the quality of beer alter?—You must alter it a little, and do the best you can for yourselves.

2875. If the malt tax were repealed, would not the price of beer be reduced, and the consumption naturally increased?—No doubt of it, but to a much smaller extent than people fancy.

2876. Is not the beer sold in beerhouses very much adulterated?—Yes, no doubt; so is our milk and our bread. It has nothing to do with the malt tax.

2877. Is this done by the brewer or by the retailer?—By the retailer.

2878. Is it true that the retailer sells his beer at the same price that he pays the brewer for it?—Certainly not. If you want the prices, I can give them to you.

2879. I should like to have the price at which you sell beer to the retailers?—We deliver porter into our publicans' cellars at 2½ *d.* per quart. If you like to know how that is made out, I can give you the figures.

2880. We had better have them?—We charge 33 *s.* per barrel of 36 gallons; we allow five per cent. discount, and three per cent. for waste and bottoms. You will find that that reduces the price to 30*s.* 4*d.*; 30 *s.* would be 10 *d.* a gallo
10*d.* a gallon is 2½ *d.* a quart, and that is gen
rally sold at 3½ *d.* It is uncommonly easy to cal
culate your neighbours' profit. That leaves yo
neighbour 40 per cent. gross profit; he has
pay his rent and taxes out of that. It is generall
supposed that we sell at such a price that th
publican is obliged to adulterate to make
profit. Now the Committee can judge whethe
that is so or not.

2881. It is within your knowledge that tw
barrels of beer or porter so sold to a publican ar
made into three barrels by adulteration?—The
are increased very much, no doubt; I cannot sa
how much, but I should say not to that exten
We are not admitted into those secrets; howeve
there is no doubt that the pump is used.

2882. Is there nothing more unwholesome tha
the pump used?—Sugar is used.

2883. Is there nothing else besides sugar used
—We hear of all sorts of things being used, suc
as coculus indicus and grains of paradise. Thos
are things I do not know of, and I cannot say tha
they are used at all.

2884. Is the public-house beer, so far as yo
know, wholesome or unwholesome?—It is wholesome.

2885. Are you speaking of the London public
houses?—I am.

2886. Do you know anything about country
public-houses?—Not at all.

2887. You have no doubt heard that th
adulteration is so bad that all beer has, of lat
years, become unwholesome and prejudicial t
health?—Yes, I have heard so, but I do no
believe it. We do an immense country trade
we supply nearly 200,000 barrels a-year t
country customers.

2888. What parts of the country do you supply?—England, Scotland, and Ireland; but wha
becomes of the beer after it goes out of our premises I cannot tell.

2889. Do you know anything at all of wha
are called beershops?—Yes.

2890. Where do they, generally speaking, bu
their beer?—They buy some from us.

2891. Do you believe that they adulterate o
do not adulterate it?—I think, probably, not a
much as the publicans. My reason for saying t
is this: the publican has his beer in butts an
puncheons, and he fines it down himself.

2892. How much does a butt contain?-
One hundred and eight gallons.

2893. How much does a puncheon contain?-
Seventy-two gallons. They fine it down them
themselves, and consequently the bung is oblige
to be drawn; when the bung is drawn there
no telling what happens. But the beersho
keeper is generally a smaller customer, and
has very often his beer in barrels which a
shived down, that is fastened with a wooden bun
instead of a soft cork. There are some publica
who draw the beer perfectly pure, of course.

2894. You are not able to say what becomes
your beer when it is delivered to the beerho
or to the publican?—No; that duty is hand
over to the Excise.

2895. Do you think much chicory is used
adulteration?—No, I do not think they need n
it.

2896. Do you think there is any tobacco use
—No.

2897. Such statements as those are not c
rec

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—No; I cannot imagine anybody putting co in anything to improve it.

98. You think that the beer is very much erated, and is not so wholesome or good as you deliver it?—The fact is that retail ng is most dishonest all over the world; and ieve they try to make four out of three, the as your milkman and your baker do, without aving any duty to pay. You never get a of good milk, and you never get a good bit of without it is mixed with salt and potatoes. e seen as much salt go into a bakery as a could draw.

99. Although you tell us of all those things o not contend that they are honest practices? ; I say that the tendency of the retail trade honest.

00. If you could stop that dishonesty, you it would be a very good thing for the pub- -I do.

01. Do you believe that the repeal of the duty would tend to do away with the the eration of beer?—I do not think it would east in the world.

02. You do not think if malt were much ber that it would be more used than it is present moment?—No; if you were to the beer away there would still be something nto it.

03. Do you see any objection to the repeal malt tax, and to the increase of brewers' se?—I see every objection, unless you put on private brewing.

04. I do not know why you should assume the Legislature, if they repeal the malt tax, d not put a license upon private brewing?— might do so; but I do not think they would paid.

05. Supposing it was put upon private brew- hould you see any objection to the repeal of malt tax and to the increase of brewers' se?—Not a bit.

06. I think you now pay a duty of 3 *d.* a l?—Yes, and the private brewer pays no-

07. Therefore, as you pay 3 *d.* a barrel, there whole machinery in existence for raising ax, so far as the public brewer is concerned? doubt there is.

08. You do not find that the raising of that is either onerous or irksome to you?—It is onerous. It cost us 9,000 *l.* last year, for we got not a farthing.

09. But the Excise raising it in that way, not interfere with your trade or business?— ave to pay 9,000 *l.* a-year, where the private er pays nothing; it is onerous in that ct.

10. It is onerous as regards the payment, hat is not what I meant. You said in the r part of your evidence, that the Excise do terfere with you, and that their regulations ot hinder or hamper you?—That is, that carrying out their instructions does not ere with us in the least.

11. Does the collecting of that 3 *d.* in any nterfere with your brewing process, or is it t so irksome to you that you feel it a tax ought not to be levied?—I feel that it is a hich ought not to be levied in the way it is d; but there is no ill-feeling between the e and us, because they say we must pay 3 *d.* rel.

12. You have to pay it now, and whether the malt tax were repealed or not you would still have to pay it?—Yes.

2913. Having to pay that, should you see any difficulty in their collecting 5 *s.* instead of 3 *d.*, if that was the sum proposed; would it, in fact, help your trade or be disadvantageous to the brewers, if the duty were collected in that way?—Not in the least.

2914. Do you think that the tax could not be fairly collected in that way, so far as the brewers of England are concerned?—As regards the licensed brewers it could be collected easily.

2915. If it could be collected with regard to the private brewers, would you see any objection to that tax being substituted for the malt tax?—Not the least.

2916. Did you see a Return called for by Mr. Locke, of the quantity of malt brewed in the year 1866?—Yes.

2917. That Return, of course, is correct?—Of course all those Returns are correct.

2918. The total quantity of malt, I see, was 51,427,009 bushels?—This was the amount used by the brewers, the licensed victuallers, and persons licensed to sell beer; and I find that the whole consumption of malt, beyond what the brewers, and those persons whom I have mentioned, consumed, was about 2,700,000 bushels?—Yes; that is so.

2919. So that you see the difficulty of collecting the license upon private brewers would not be so very great; because the quantity is nothing like what is brewed by the great brewers?—I think you would find it so difficult that you would not think it worth collecting, and we should have to pay it all, and they would have to pay nothing?—When the 3 *d.* duty was put on to the public brewers, you recollect there was a private duty ordered by Mr. Gladstone to be put on to the private brewers of 12 *s.* 6 *d.* each; and the farmers of England declared that they would not pay it. If they would not pay the 12 *s.* 6 *d.*, why should they pay the 5 *s.* I have a copy of a letter written by Mr. Jonas, on the 5th of April 1862, in which he says that the farmers would not pay it.

2920. But the malt tax was not to be repealed then; if the malt tax were repealed, and the duty put on, I presume the farmers of England would pay it the same as other people, if they were ordered to do so?—This is the letter which Mr. Jonas wrote, in which he called upon the farmers of England not to pay it. He did not pay it, and Mr. Gladstone altered the law. Mr. Jonas farms 4,000 acres.

2921. Mr. *Read.*] He does not grow an acre of hops?—No, he does not.

2922. *Chairman.*] How many public-houses and beer-houses have you belonging to your firm?—Our number of freeholds is 16, that is all the freehold public houses we have in London; we have 146 leaseholds, and we supply 1,100 houses in London.

2923. Are those 1,100 houses, free houses, or are they tied to you?—They are no more tied to us than they are to you. They are supposed by the public to be kept by our servants and our slaves; but they are the most independent set of fellows on the face of the earth.

2924. How are they supposed to be servants and slaves to you?—It is generally supposed that we make these publicans sell our beer for our profit, whereas they come to us, and the only way in which they are tied to us is the same as if you

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were buying a farm, and went to your bankers and said, I want 5,000*l.* to buy a farm, may I have the money. These men come to us and say, I want 1,500*l.* or 2,000 to go into a public-house, and we lend the money. There is no restriction; there is no tying down to us any more than you would be tied to your banker.

2925. What interest do they pay to you?—Five per cent.; we charge five per cent., and we are bound to allow our publicans five per cent.; but our publicans have a most enormous sum of money in our hands.

2926. If these gentlemen went to anybody else, you would request them to pay you the 1,500 *l.*?—Yes, the same as if you went from the London and Westminster Bank to another bank, they would say, it is very queer that you have not paid your balance.

2927. What does it cost you to brew a quarter of malt, including your plant, premises, your capital, and your profit?—It costs us 30*s.* a quarter with interest, but without discount, trade allowances, or bad debts; I have mentioned bad debts especially, because it is said that we are obliged to charge so high a price for our beer on account of our bad debts.

2928. What do you think it costs you to malt a quarter of barley?—Four shillings and sixpence; we malt by commission; that is to say, we have agents in the best barley countries, and we pay them 4*s.* 6*d.* a quarter for making barley into malt.

2929. We have it in evidence that 3*s.* 6*d.* is what it really costs the maltster to make a quarter of malt?—Perhaps it may not cost him so much as we pay, but a man must live.

2930. Your 4*s.* 6*d.* would be 3*s.* or 3*s.* 6*d.* cost of malting, and 1*s.* profit to the man; because the maltsters admit that their profits were about 2*s.* 6*d.* a quarter, and that it costs them 3*s.* 6*d.* a quarter to make it; you, in the wholesale way, pay 4*s.* 6*d.* a quarter for making, with a man's profits?—Just so.

2931. What did your barley cost you this year?—I suppose the price of barley this year will be 44*s.*

2932. That is the average price?—That was for the year; perhaps it may not be quite so much.

2933. How much beer should you make from a quarter of malt?—A quarter of malt is generally considered to produce three and a half barrels, and there are certain calculations made on that.

2934. How many pounds of hops do you put to a quarter of malt?—Ten pounds, on an average. These are the figures: barley, 44*s.*; making, 4*s.* 6*d.*; then the cost of hops, 10 pounds to a quarter, 12*s.* 6*d.*; then you ought to make a slight deduction for the expenses from the 30*s.*, because we sell our grains and yeast, which are not sold as beer, therefore you may take off 2*s.* a quarter.

2935. Since the cattle plague have you had as good a sale for grains as you had before?—We have now; but we had to give them away the year before last.

2936. Is the yeast trade a good business?—We get rid of our yeast. I have stated that the making costs 4*s.* 6*d.*; the malt duty is 21*s.* 9*d.*, which is 20*s.* 8*d.* and five per cent.; and the hops, 12*s.* 6*d.*

2937. Mr. *Read.*] Does that charge for hops include the brewer's license?—Yes; then the
expenses are 28*s.*; the whole comes to 110*s.*
2938. *Chairman.*] I have got from you
opinion with reference to the brewer's licen
I should therefore like to ask you your opin
as to a beer tax; do you recollect at all the
beer tax?—No; it ceased before I becam
brewer.

2939. It ceased about the year 1829–30?–
did.

2940. Do you know how that tax was levi
—I do.

2941. How was it levied?—In the most
pressive way that anything could possibly
conceived. It was totally impossible to br
We could not carry it on for six hours if
beer tax were reimposed.

2942. How was it levied?—In the first pla
you could not brew without giving notice of
measurement of every utensil you were going
use. You could not make up your brewi
without having an exciseman present.
could not rack a vat without leave from the
ciseman. You could not deliver a barrel of b
without a permit; and I assure you that eve
day we provided dinner for six excisemen, a
we supplied them with all the fat of the la
merely to keep them in a good humour.

2943. And to get them to render the law
much as possible in your favour?—It was sim
to get on with the business, and to evade
terference as much as possible. But still t
difficulty of working was very great. If a
were to leak at night, or a stave broke,
might lose 1,000 *l.* worth of beer before you
leave from an exciseman to put it into anot
vat. You dare not touch it until he came.

2944. The duty was 10 *s.* a barrel, was not
—It varied; there were two or three rates;
however, it was very high.

2945. I think at that time a duty, according
the quality of the beer, was charged?—Yes,
was. It was the most oppressive thing possib
and not only as regards the brewer, but the
ciseman had the power of entering into the pu
lican's cellar, and if he found more beer in
publican's cellar than he could account for,
whole was seized. He had the right to go th
five times a fortnight, and take all the stock
the place.

2946. Mr. *Ayrton.*] The same law prevail
as to the collection of the spirit duties?—
it was horrible.

2947. *Chairman.*] Supposing a private brew
were taxed, would there be any difficulty in ra
ing the revenue by a brewers' license instead
by the malt tax?—With regard to the pub
brewer, there is not the least difficulty ab
it.

2948. Sir *Edward M. Buller.*] I think
made out your account of the cost of brewin
quarter of malt to be 110 *s.* 9 *d.*?—Yes.

2949. And that makes 3½ barrels of porter
Yes.

2950. And you get 115 *s.* for that?—Tha
so.

2951. Therefore, you only get 5 *s.* profit u
a quarter of malt?—Yes, according to that;
figures are most illusory.

2952. You have a very bad opinion of retail
generally; but that is not because they make
very high profit of 45 per cent; you would
think it at all discreditable to you as a brewer
obtain 45 per cent. if you could get it?—I sho
like to get it.

2953. Th

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53. Then, according to your statement,
e is 45 per cent. charged to the consumer as
t by the publican?—That is the gross profit.
has all his rent and expenses to take out of
; you may reduce it considerably; figures
very illusory in that respect.

54. What should you say if a maltster came
u from the country, and tells you that he
malt barley for nothing, merely paying the
, and that he will make his profit by the out-
?—I should not believe him; that is to say,
ould not make malt that we could use. I
v it is made; but we should never think of
g such malt, particularly if he told us so;
use we know the tricks that have been
ed with it.

55. Supposing he does not get the advan-
by the outcast, he then makes a superior
of malt, and gets the advantage in the
?—I do not know the malt trade for market.
simply malt for ourselves to get a good
ity.

56. Supposing a brewer in the country
ld tell you that he can brew, and pay all the
enses of brewing, by the grains and yeast,
t should you say to that?—I should not be-
him, unless he had got an extraordinary
e for grains that we do not understand.
grains are sold at 1 *s.* 6 *d.* a quarter in
don, and our yeast is at the rate of 2½ *d.* per
ter.

57. You put down your expenses of brew-
a quarter of malt at 28 *s.*?—Yes.

58. Now, if I could produce a brewer who
ld tell you that he brews for nothing, and
the real cost of brewing with him is no-
g but the malt, the hops, and the duty, you
ld altogether dissent from him?—Yes, en-
y.

59. If that were true the advantage of
ving would be all on the side of the little
wer?—Certainly, if he could brew for no-
g.

960. And your enormous plant, instead of en-
ng you to brew cheaper, would compel you to go
reater expense?—Apparently; but you will
rve that the private brewer brews his beer in
house, and uses it in the house, whether it be
d, bad, or indifferent. We have to deliver
r to the public-houses; and there you will
an expense of 14,500 *l.* a-year in stables
e.

961. How is it that your enormous investment
apital gives you no advantage over the little
wer, and that the little brewer can brew
aper than you can, and sell his beer as cheap?
cannot understand it. We know nothingof
trade if he can beat us in that.

962. Would you state what are the profits on
ital employed in brewing?—I must begin by
ing that the first charge on brewing is interest
n capital, which is an expense that has no-
g to do with the profit; that is five per cent.;
t includes interest on all our freehold premises,
everything, and is instead of rent. If the
whouse belongs to another person you have
ay him rent; if it belongs to you you, get it
five per cent. interest.

963. Then with regard to the profit?—The
fits made last year by London brewers were
2½ per cent.

964. If a brewer has 100,000 *l.* invested in his
de, your opinion is that last year he would not
more than 5,000 *l.* interest, and 2,500 *l.*

profit?—He would be very lucky if he got that; this year he will do worse. I am not speaking of my own case, but of the general trade. I know of a large house which did not make 6 *d.* last year, and which did not make any interest on their money.

2965. Can you explain that?—The high cost of malt and hops.

2966. Going through the items which you gave us before, would you say that those are above or below what they were last year?—They are very similar.

2967. That was a calculation according to last year's prices?—The prices of barley this year and last are as nearly as possible identical; they are both very high, and far above the average. If you take the hops at an average of 1 *s.* 3 *d.* a lb., perhaps it may be 1 *d.* over what they are at the present minute, and 1 *d.* under what they were last year.

2968. I must take the 2½ per cent. profit as an unusually low profit?—No doubt of it.

2969. Supposing money to be invested in the actual brewery, it might be said to pay something like five per cent. interest, and five per cent. profit on an average?—It ought to do so.

2970. Then it is a disadvantage to the brewer in some respects to have to advance money to the publicans at five per cent.?—I do not think it is, if you are perfectly secure.

2971. Do not you see that in one case he gets 10 per cent., including interest and profit on his capital, and for the remainder of his capital, which he lends to the publicans, he only gets five per cent.?—It is part of his capital employed in the business.

2972. And then, if you were to calculate fairly the profits of a brewer, would you not throw into the account the money which he lends to publicans, as well as the money he employs in converting his materials into beer?—Certainly not.

2973. Then he employs capital at two rates of interest; he employs a certain quantity of capital in lending to publicans at five per cent., and upon a certain portion of his capital he gets 10 per cent. profit?—The money that you lend to publicans, the money you invest in hops, the money you invest in malt, and the money you invest in horses and everything else, ought to pay you five per cent.

2974. Is not that five per cent. in addition to the interest of money?—No, certainly not; part of the money coming from the publicans goes to make up the five per cent.

2975. You lend the publican the money and you take five per cent.; you get nothing more from the publican but the five per cent.?—No, nothing more; but because you put out some of your capital on mortgage at five per cent., you do not calculate five per cent. on the mortgage, and five per cent. on the capital afterwards. Supposing some of the money lent to the publicans was invested in Consols instead.

2976. I take the difference between employing money in one way and the other. If it were employed in the legitimate purposes of brewing, something like 10 per cent. would be obtained; if he lends it to a publican he only gets five per cent., and it is worth his while to employ a portion of his capital at five per cent., while he has a business in which he might obtain 10 per cent, in order to get the custom of the publican?—Just so.

2977. He

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2977. He sacrifices a portion of his profit in order to extend his trade?—Perhaps he would not get the trade unless he lent the money.

2978. Then practically it is for the purpose of extending his trade that he lends his money, and he obtains less in the form of interest and profit from that money, than he does from the rest of his capital?—You cannot separate it in that way.

2979. I thought you had separated them, because I asked you whether you would throw the whole capital together, that which you lend to the publican, and that which you employ in the legitimate business of brewing, and strike an average profit for all, and you told me, no?—We consider the money lent to the publican to be money employed in the legitimate business of brewing. It would be pretty much the same, if, instead of lending the money to the publican, we bought his house and put a servant in to draw our beer.

2980. That is the same thing; are you not employing a certain portion of your capital in either case at a lower rate of return, than you do when you employ it in converting malt into beer? —Certainly we are.

2981. And it is worth your while to do it in order to extend your trade?—Certainly; almost all the largest wholesale merchants and bankers in the City accommodate the public when they require it, in order to continue their business.

2982. You think there is not a larger proportion of your capital employed in obtaining the control over the public-houses than there is by other wholesale dealers in keeping up their interests with their customers?—No; I believe that nearly every baker in London is tied to his miller. Half the grocer's stock, half of the plate you see in the jeweller's window belongs to the wholesale people; half the silks you see in London belong to the manufacturers.

2983. Lord *Eustace Cecil.*] You said something about cottage brewing; could you tell us what implements are required in cottage brewing?—I really cannot tell you; but you must have something to mash your malt in, something to boil your worts, and a fire to boil it with, a vessel to cool your beer in, in which it should ferment, and something to keep it in.

2984. I suppose it would involve a certain small outlay of capital; and yet with all that, you think that the beer could be supplied more cheaply by you than it could be obtained by cottage brewing?—I think so. If a poor man gets locked up by a bad brewing he must drink it or throw it away.

2985. Do you think the quality of beer would be such as to be nourishing and wholesome?—Yes, perfectly.

2986. As to adulteration and the use of glucose sugar: I do not know whether you have the last report of the malt tax in your hand; but there are several returns given by the Inland Revenue, and particulary as to the way in which glucose sugar is made. Do you think that that is in the least unwholesome. I see that such a thing as dilute sulphuric acid is used?—We have never used it.

2987. It is stated here that glucose sugar is prepared artificially by acting, or farinaceous substances, by means of dilute sulphuric acid, at a certain temperature?—I think the Excise would tell you more about that; I know they have examined into it.

2988. In your opinion, it is not in the least degree unwholesome?—I know nothing of it; have never seen it.

2989. Do not you use glucose sugar?—No, w have never used it.

2990. As to adulteration. I see there wer several convictions returned here for using cal mus root. Can you tell us anything about th using of bastard sugar?—Yes; bastard sugar a sugar under process by the refiners; they ju take the very first cream of it off, and sell the refuse at a lower price.

2991. There is nothing unwholesome or poisonous in it?—No, there is not.

2992. Then there is sweet flag root; can yo tell us what that is?—No; but I should hav thought that sugar would have been muc cheaper than all these things.

2993. Treacle is exclusively used?—Yes, i is.

2994. Capsicums and copperas are used; yo would not think copperas altogether wholesome —I have never seen it.

2995. As far as your observations have gone the adulterations are rather in the case of th publican, than in the case of the brewer?—They have greater facilities for doing it; I do not say they will do it, but when they draw the bung o a large cask they may do what they like with it

2996. There is a very important point which I should like to ask you about, with reference to the evidence given by Mr. Cayley in his examination as to the mode in which private brewers could be taxed, and he remarks in his answer, No. 2442, that there could be a composition for private brewing and private malting per head; and he said that that composition was very common a few years ago. Then in his next answer he says "I believe in an Act of Queen Anne, or Georg the 1st, I think about the year 1713, there was a composition of 5 *s.* a head, and the persons wh paid it were allowed to malt in their own houses. Do you think such a plan as that feasible?—I d not think that the people would stand it.

2997. You do not think it would be possible to compound per head; of course that would preven the exciseman coming into the house at all?—I would not keep the tax collector out.

2998. But there would be a return made b the householder of the number of persons, an he would not have the exciseman constantl beating about his premises; have you eve thought that plan over?—No, I have read hi evidence, but I should think that plan would b too complicated.

2999. Of course if such a plan were feasibl and simple, it would be a very important consideration?—I believe if you repeal the malt dut the brewer would not be bound to use malt, an it would be the greatest blow to agriculture c any.

3000. Supposing you were allowed to brew from oats, or Indian corn, or mangold wurtze would it be of great advantage to you?—I cannot say at all; but you may depend upon it tha substitutes would be found in dear years for dea barley.

3001. Have you ever compared the expense c making beer from those products with the expense of making beer from malt?—No, but you know that mangold wurtzel is 15 *s.* a ton, and barle about 13 *l.* per ton.

3002. Have you any reason to suppose tha beer would be cheaper if the malt tax were repealed?—If we had the same tax put upon us i

shape or the other, it would not alter the
.
)03. I understood you to say that you have
nk exceedingly good beer made from those
pounds?—I have drank some very good beer
e from mangold wurtzel alone.
)04. You stated that the average price of
ey was 44 *s.*?—Barley varied last year from
to 50 *s.*
)05. Is that the best barley?—That is the
barley.
)06. Do you use nothing but the best barley?
es; we use the inferior barley for brown
t; we have malted barley from Chili this year.
)07. Did you find that as good as other barley
prown malt?—Yes; it came from Chili, and
malted in Essex, so hard were we pushed for
ey; it was for flavouring porter.
)08. What was the cost of it?—It cost us
6 *d.* delivered into our maltings in Essex.
)09. You look upon it as inferior barley; it
ot equal to best English barley?—No, it is
erally used for flavouring; we do not depend
n it for saccharine matter.
010. Is it your opinion if the malt tax were
ealed that inferior barley would be more ex-
sively used?—I do not think it would be more
l than it is now, because you have the great
antage of malting at lower rates. You may
t barley by weight now, which is a great ad-
tage. The Chilian barley was malted by
ght; it weighed 50 lbs. per bushel.
011. Then you are merely speaking with re-
l to brewing; you are not going into the
stion of feeding, or anything of that sort?—
; Mr. Laws will give you information upon
point.
012. You say that the price of London porter
er alters at any time?—We have tried it; but
loss was so tremenduous that we had to give
p.
013. I suppose when you suffered such a
ere loss, as you did during the cattle plague,
not being able to get rid of your grains, it
st have formed a very considerable considera-
n in keeping up the price of porter; it was
y ruinous to your profits and trade?—It cost
about 10,000 *l.* In fact we lost more by the
tle disease than anybody else.
014. I suppose one reason why your profits
not greater than that of the private brewers,
that you are obliged to use such a very large
nber of horses, and that your carriage also
s you a very large sum in the year?—You
e the list before you; it is very large indeed.
ould tell you, per quarter, of malt. The
ole expenses are 1 *s.* 9¼ *d.* per quarter of malt;
t is for the wear and tear of the horses.
015. What do you reckon as the cost to keep
orse in London?—I am not positive; it is
rly 46 *l.* a year, I believe; but including
ar and tear it comes to 80 *l.* a year, harness
l everything.
016. The cost, per week, would be 18 *s.* or
., would it not?—Yes.
017. Your horses, I presume, do very hard
k, and require the very best kind of food?—
ey do.
018. Do you feed them on grains, in any way?
never tried that; they are fed on the very
t oats, clover, and beans.
019. And being horses of a very large size
y would naturally require very full feeding?
Yes.

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3020. Sir *Edward M. Buller.*] What price do you generally give for your horses?—From 65 *l.* to 75 *l.*

3021. Colonel *Duncombe.*] I think we may gather from your evidence that, in your opinion, a tax upon beer would be impracticable?—I do not think you could possibly get it to work.

3022. Are there no means to be devised by which it would not be as inquisitorial as it was when the former beer tax was levied?—Brewing is a very delicate operation; you may finish brewing at two o'clock in the morning, in very cold weather, and in warm weather you may not finish until seven o'clock; and all this time you have the exciseman waiting upon you.

3023. You give your opinion, judging from what occurred when the old beer tax was levied?—I do.

3024. You said that if a license would be imposed by the Government upon private brewers, it would not be paid; why would it not?—In the case of the hop duty I know they could not enforce it; when they took the hop duty off the grower and put it on the brewer, the private brewer escaped; Mr. Gladstone would not enforce the tax upon him.

3025. If the Legislature should choose to enforce the tax, both upon private and public brewers, neither could escape it?—It was proposed before, but the private brewers escaped.

3026. That, you think, was done in consequence of Mr. Jonas's letter?—I have no doubt of it.

3027. You use a certain proportion of sugar in your brewing, do you not?—Yes, when barley is excessively dear.

3028. Do you find that it affects the quality of the beer at all; is it as good as without sugar?—It is only used for certain purposes; you would not brew beer from sugar for exportation, because it would not keep so well.

3029. During the last two years, when the price of barley was so high, did you increase the price of your beer?—No, not at all.

3030. Major *Parker.*] What reason have you for thinking that private brewing has decreased lately in your neighbourhood?—I see constantly at haymaking and harvest time waggons going to the public brewers to get harvest beer; for instance, throughout the last week or two I have seen waggons going to the brewers to purchase.

3031. You remark that private brewing might be conducted advantageously perhaps nine times, but the tenth time it would not succeed; is not that the case in all undertakings?—No doubt; but if a poor man has to depend upon it and it goes wrong, he is thrown over; whereas we can tell whether the beer is going wrong or not, and save it before it is gone.

3032. In allowing for the profits of malting, did you take into calculation the value of the malt combs?—Yes; the fact is that we give our agent 5 *s.* per quarter for making, but I have made a deduction of 6 *d.* for the malt combs.

3033. I think you admitted that beer is adulterated, and so is milk adulterated; do you think that if the milk were taxed it would be any inducement to the vendor of milk to adulterate it more?—I cannot say at all; of course the higher the price of the commodity the more liable it would be to be adulterated.

3034. And the same with regard to bread; if bread were taxed there would be no inducement to adulterate the flour?—I do not think there would be much.

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3035. If that were the case, do not you think that, as in the case of milk and bread, heavy taxation leads to adulteration?—Yes.

3036. And that would be so in the case of beer, would it not?—No doubt.

3037. Then it follows, that if the malt tax were repealed, the beer would be very considerably cheaper and likely to be more pure and less adulterated?—I am afraid now we come back to milk and bread. There is a very curious remark which I read in the evidence given here, and that was respecting the quantity of heavy land thrown out of cultivation for barley in Sussex; somebody said 100,000 acres of land was thrown out of cultivation in barley. It is a very curious thing, that in 1858, we bought barley and wheat and malted them. Our wheat cost us 38 *s.* 11 *d.*, and our barley 37 *s.* 6 *d.* per quarter; one weighed 62 lbs. and the other 53 lbs. I am merely speaking as an agriculturalist; agriculturalists say that the malt tax stops the sale of barley. In the harvest of 1859 we bought wheat at 40 *s.* 5 *d.* per quarter, and barley at 41 *s.* 6 *d.*; the barley was actually dearer than the wheat. I have known a heavy land farmer go to my own market and sell wheat and barley grown on the same heavy land, the wheat producing 1 *s.* per quarter less than the barley on the same day.

3038. Lord *Eustace Cecil.*] You are now speaking of the best kind of barley, are you not?—Yes, and the driest sorts of wheat.

3039. Colonel *Duncombe.*] That only applies to one year, I suppose?—No; but it shows how nearly they approximate.

3040. That is not generally the case, is it?—No; wheat was plentiful then.

3041. Mr. *Henry Surtees.*] With regard to the wheat, you malted it?—Yes.

3042. Did you use it for brewing?—We occasionally use it when it is cheap.

3043. Are you allowed by the regulations to malt wheat?—We may malt any grain.

3044. When wheat is cheap and barley is dear you like to use wheat?—Yes.

3045. I think you said that you had to pay the duty of 3 *d.* a barrel on beer?—Yes.

3046. Was not it imposed in lieu of the hop duty?—It was.

3047. In former days you paid the hop duty upon the price of hops?—Yes, in fact, the grower paid the duty; it was a very hard tax on the grower.

3048. Can you tell the Committee what you consider that duty amounted to per barrel of beer that you brewed?—Very slight; I think about 1 *s.* a quarter.

3049. And you pay 3 *d.*, do you not?—Yes.

3050. And from that quarter of malt you make 3½ barrels of beer, do you not?—We do.

3051. Then you pay a little more than formerly?—Yes.

3052. When you complain having to pay the 9,000 *l.* which you have now to pay, you had formerly to pay under a different name, and in a different shape?—I complain that I pay it, and that the private brewer does not.

3053. I thought you put it as a substantial grievance that you paid the duty?—No, it is levied on the manufacturer and not the private brewer, that is all.

3054. At the present time I want to know how the exciseman arrives at the number of barrels of beer which you pay 3 *d.* upon?—We pay per quarter of malt; they come every morning for our returns of malt.

3055. Do they take your word for it?—They may do what they please, but they take our word.

3056. Do not they often gauge it?—No; it is excessively hard to gauge our large vessels and make up the measurement, unless you do it every day of your life.

3057. Is there not a considerable difference in the way in which malt will gauge, whether you happen to be using the best malt, or other malt or a light description of malt?—No.

3058. Does not the light malt swell and apparently give a greater measurement than the very best malt?—Very slightly; not to any great extent.

3059. But if it did swell and make an inferior description of beer, would that light malt be at a disadvantage compared with the best malt?—Yes; but the fact is that the weight of malt is not altogether an indication of the goodness of its quality.

3060. The colour has something to do with it?—Very heavy malt may be very imperfecly saccharised, and be full of gluten, which will not dissolve in water.

3061. You said that if the Excise officers did not inspect your premises, it would not make any difference in the way in which you brewed at present; I suppose you merely referred to the articles you are permitted to use?—Yes.

3062. If you were permitted to use anything you like you would not be affected in that way?—If we might use anything we liked, we should get rid of the exciseman altogether.

3063. Mr. *Read.*] May you use any other material than hops for giving the bitter flavour to beer?—I believe we may.

3064. But you do not, as a rule, do so?—Never.

3065. Notwithstanding that the hop duty was formerly paid by the grower, who was also the manufacturer of the hops, and you have to pay it now in the shape of a commuted duty, you do not find it answer your purpose to use anything but hops?—No, we do not.

3066. But, on the other hand, you think that if you were to pay a brewer's license in lieu of the malt tax, you could find a great number of cheap substitutes for the manufacture of beer?—I think so.

3067. Who would be the grower of the substitutes, generally speaking?—I cannot tell you.

3068. Would you import mangold wurtzel from abroad?—There are immense quantities grown in France.

3069. Do you think that you would import mangold wurtzel from abroad, and not use that which is grown in this country?—I have not gone into that; but if our hands were untied we should seek to do the best we could for ourselves in dear years.

3070. With regard to this return that you make for the brewer's license, do you think there would be any difficulty in making a simila return of the quantity of malt that you use if you pay a higher duty?—No, the same return would answer.

3071. Do you make a return of the quantity o sugar that you use?—We do.

3072. That is of course accepted?—They may check it if they want to do so.

3073. Ho

73. How can they check the quantity of su-
fter it is brewed?—They can check it before
brewed.

74. Do you think private brewers could be
nded upon for making a similar return?—
are living under the hands of the law. Peo-
iving scattered all over the country would
e so. We have excisemen on our premises
day and any hour in the day; private peo-
iving five or six miles from the excisemen,
l be totally exempt from that supervision;
es, it would require an enormous number of
emen to do that.

75. You think it would be necessary, if you
private tax on brewing, not to allow them
ke a return, but to have excisemen to see
they brew their specified quantity?—What
r to public brewers is fair to private brew-
and if a tight hand is kept upon us, why
d not there be a tight hand upon the private
ers?

76. There is no difference in the price of
whatever may be the difference in the price
e malt and hops, is there?—We do not alter,
ule.

77. In consequence of the high price this
you have very small profits?—Yes.

78. If you get cheaper malt without the
tax, you might reasonably be supposed to
more profits?—Yes.

79. In a year when wheat is very dear, do
uppose there is more or less adulteration of
l?—I do not know at all.

30. Can you tell the Committee what sub-
es are used for bread?—Potatoes and salt.

81. You could not use salt to any great
nt, but potatoes would cost something, of
e?—Yes; I suppose the public have eaten
ormous quantity of bean meal in bread.

82. That is about as dear as wheat, is it
—Yes, but wheat is so scarce.

83. Do they use bean meal in consequence
e high price of wheat?—Yes.

84. And they use potatoes in the same way,
ey not?—They do.

85. When the price of wheat is high, there is
adulteration of bread and flour?—Yes,
there is no tax or excise duty to avoid with
l.

86. It is different with milk if you adulterate
h water, that is always cheap?—Yes.

87. Do you supply any publicans with beer
are not your tenants, or who are not in some
tied to you by a mortgage that you have
their property?—We supply 5,000.

88. Five thousand besides the 1,100?—In
ountry we do not know who drinks our

89. Do not you usually sell to agents in the
try?—Yes; not to the public-houses, we sell
holesale agents, and, therefore, we do not
who our customers are in the country.

90. But I ask whether you sell directly to
ublicans who are not your tenants, or who
ot tied to you by mortgages which you hold
their property?—Yes, hundreds in London,
housands in the country.

91. You sell directly to them?—Yes, in
lon.

92. And also in the country?—In the coun-
directly through our agents; but a great
of our publicans are entirely independent
, and have money in our hands.

93. What is the difference in the rent of a
0.57.

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private house and a public-house, supposing they were of exactly the same capacity?—I cannot answer that question.

3094. Does not the license of a public-house invariably increase the value of it something like 25 per cent., if it has to be sold?—I cannot say to what extent; it does increase the value of it to some extent, no doubt, in London, but not in the country.

3095. You are not aware of that fact?—Yes, I am; because I have public-houses of my own in the country.

3096. You do not think it does increase the value in the country?—No; I believe there are many public-houses in Norwich now that had licenses which do not take out licenses, because it does not pay them.

3097. Mr. *Ayrton.*] They have a certificate, but they do not take out the license?—No.

3098. Mr. *Read.*] That is in consequence of the public-houses being so much multiplied in Norwich?—Yes.

3099. Are licenses very frequently withdrawn from public-houses in the country?—I do not know so much of the country trade. Our brewing business is in London. We hardly know our country customers.

3100. When I say that in the country we class a house, having a license, as certain privileged property, which has increased in value 25 or 30 per cent., from having the license, you do not agree with me?—No; I speak principally from hearsay. I hear people say that public-houses in the country now, are hardly worth more than the bricks and mortar of which they are built.

3101. As to the commission of 4 *s.* 6 *d.* a quarter that you pay to the maltster, does that include a commission on their buying barley for you, and the carriage?—Not the carriage. They buy the barley, and malt it and keep it for us.

3102. Supposing they have to keep it, do you find the money for their buying the barley?—They use our money entirely.

3103. Have you not a great number of merchants who simply buy barley for you, and send it to the maltsters?—No; our maltsters buy their own barley.

3104. Does your agent in Norwich malt the whole of the barleys that he buys for you?—I dare say he may buy barley on his own account, as well as for our purposes; but all the barley he buys for us he malts for us.

3105. All my married labourers brew in the harvest time, and they tell me that the only extra utensil which they require is a cask or two; do you think that is enough, if a woman uses her washtub to mash in, and a copper for boiling?—Yes.

3106. You say you malt extensively by weight?—Yes; the lower class of barleys are malted by weight.

3107. Is there not a large class of barley which is very heavy, that is steely barley, grown on heavy land?—Yes, it depends upon the season.

3108. Then that coarse barley which is generally grown on heavy land is not benefited by being malted by weight?—You could not give that as a rule.

3109. Where do the light barleys grow; on heavy land or light land?—Generally speaking the light barley is barley last sown, and dried up prematurely.

3110. As a rule, barleys grown on heavy land

are

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are much heavier than those grown on light land?—No, on the contrary; the finest barleys I have known were grown on the Norfolk lands.

3111. That might be occasionally, but as a rule do not you think that our Norfolk barley weigh more per bushel than those off the heavy lands of Essex, provided that the crop stood up?—I have not the slightest doubt that the Norfolk barleys are heavier and better. The finest barleys I ever saw in my life were grown at Hunstanton in Norfolk, and weighed 58 lbs. a bushel.

3112. Mr. *Arthur Peel.*] You said cottage brewing was impossible in London and large towns?—Yes.

3113. And in the country it would still be possible to make a wholesome article?—Yes.

3114. A wholesome article, but not an artistic compound?—They could brew as good beer as anybody if they got the material.

3115. You mean if the malt tax were repealed?—Or with the malt tax.

3116. What has tended to drive the malt trade into so few hands?—The very severe way in which the malt duty is collected, that is the altering of the credit; that I think is the greatest blow that the maltster ever had; the credits were in 1860 reduced from 12 weeks to 6 weeks.

3117. Then the monopolising of the trade is a direct consequence of the operations of the malt tax?—Of that particular Act, and the alteration of the malt tax which altered the credit which the maltster had. A maltster finishes making his malt in April, and that malt has to last the brewer to November, the consequence is that he has to pay the duty upon it months before the malt is used, and that is very hard upon a small maltster.

3118. Then an alteration of the credit system might be of great advantage?—If I were the Chancellor of the Exchequer I should allow a considerable interval between the payment of the duties. Upon the last malts that are made in April, the duties are all paid up the first week in July; and some of that malt will probably not be used until November; that is very hard on the maltsters, and I have no doubt it shortens the number of them.

3119. You think it is owing to the altered system of credit that the small capitalists have been ousted from the malting trade?—Yes, I do; the number of maltsters has decreased considerably.

3120. We were told that the maltsters were in favour of the malt tax, because they were afraid of competition in the event of its repeal?—No doubt; the fewer the maltsters the better trade they get.

3121. The brewers will say the same, will they not?—Yes.

3122. As to the adulteration, you do not credit the malt tax with that?—No.

3123. And yet a good deal has been made of that point in estimating the good effects of the repeal of the malt tax; there has always been a comparison made between pure cottage beer and the adulterated publicans' beer; you do not think that is so?—No.

3124. You think the adulteration is owing to the facility of adulteration apart from taxation?—Yes.

3125. If the high cost of the malt and hops has injured the profits of the great brewers, what would be the effect if an enormous quantity of malt was made from inferior foreign barley in th
event of the malt tax being repealed?—We hav
an immense amount of barley now from foreig
countries, with the malt tax. We have the ad
vantage of making it by weight, and we pay
less duty for the lighter barleys.

3126. If the malt tax were repealed, you thin
there would not be any inducement to malt th
best barley. The foreign barley would come i
and inferior malt would be taken?—Yes, an
oats and Indian corn would come as well.

3127. And therefore there would not be suc
large profits to the growers of best barley?—N

3128. The English farmers being the be
growers of English barley, would not benefit s
much?—No.

3129. Mr. *Laing.*] I think you made out tha
110*s.* was the cost of turning a quarter of mal
into beer?—Yes. I speak of the present time.

3130. The price of barley is proportionate t
the price of hops, and the duty is a fixed amount
—Yes.

3131. Any amount of competition that migh
exist in the trade would fall only upon the 4*s.* 6
for malting and the 30*s.* for making?—Yes.

3132. The other prices would be all fixed, sup
posing you used the same quality of barley an
malt?—It would.

3133. The malt produces three-and-a-hal
barrels per quarter?—Yes, that is the usual esti
mate; if you use a very superior article you ca
get more.

3134. You tell us that three-and-a-half barrel
is the usual estimate, and you sell it for 33*s.*
barrel to the publicans nominally; but tha
after allowing 5 per cent. discount, and 3 pe
cent. for waste, it gives a nett of 30*s.* 4*d.*?—
Yes.

3135. Three-and-a-half barrels at 30*s.* 4
comes to 106*s.*, so that that which costs yo
110*s.* you are selling for 106*s.*?—The discou
and allowances ought not to come off that.
took them merely in showing the nett pri
which the publican has to pay for his bee
You must take it at 33*s.* as the wholesal
price.

3136. If you take three-and-a-half barrels
33*s.*, that is 115*s.* 6*d.*?—Yes.

3137. The calculation is that you are sellin
for 115*s.* 6*d.* what costs you 110*s.*?—Yes, th
is the calculation.

3138. Is the interest included in the 110*s.*?—
It is.

3139. That comes in the 30*s.* charge?—
does.

3140. That looks like a pretty narrow marg
of profit?—A very narrow margin.

3141. And your principle is, I suppose,
take a very small profit in years, when barl
is dear, and get a large profit when barley
cheap, and so get an average rather than alter t
price?—We make it up in seven years.

3142. You think that is more convenient
the public than changing your price from ye
to year?—There is immense inconvenience
altering the price.

3143. That is a fair profit?—It is.

3144. Then if your figures are correct, th
is no great margin for any reduction to t
public, or any saving in the brewers' profits?
No.

3145. You say that you are supplying pub
cans at 2½*d.* a quart, and they sell from 2½*d.*
3½*d.* to the public?—Yes.

3146. T

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46. That is, that they adulterate more or —There is not the least reason for adulter- .

47. A man may either sell it at 3½ *d.* and adulterate it and get his profit, or he may t at 2½ *d.* and adulterate it 40 per cent. ?— I say, if you sell it at 2½ *d.*, and he sells it at it leaves 40 per cent. for the difference een the two amounts, but he has to pay his ses out of that.

48. Supposing a man requires 40 per cent. y his expenses and make a fair profit, he get the 40 per cent. by either selling it at and not adulterating it, or at 2 ½ *d.* adultera- it 40 per cent. ?—Just so.

49. It is for the public, I suppose, to decide her they like pure beer at 3 ½ *d.*, or adul- ed beer at 2 ½ *d.* ?—Yes.

50. It would be regulated by the public. If ublic want to get their beer good, and they t get it good at one place, they will go to er ?—Yes.

51. Do you think the difference between ., at which you supply them, and 3 ½ *d.*, at they can sell the pure article, an excessive nt of profit for the publican ?—No, I do not it is.

52. Do you think there is any way of reduce- e profit short of knocking up the licensing n altogether, and making it free competition iving complete facilities of setting up public- s ?—I do not think that would make any ence in the price of beer.

53. Supposing the licensing system were away with entirely, and anyone could set public-house for the sale of beer or spirits, do not think the multiplication of public- s would bring down the prices by compe- ?—No, I do not think so.

54. Your contention is that the public are ng beer as cheap now as they ever could under a duty equivalent to the present ?— r the present peculiar circumstances and prices, I do not think they could possibly eer cheaper.

55. That is at the present price of barley vith the present duty ?—Yes, the present of barley is exceptional.

56. A suggestion was made to substitute a se duty upon beer, instead of the present ; you say the only objection that you see to would be the difficulty of levying that high nt of license duty upon a private brewer ? at is so.

57. Would there be no Excise difficulties, sing that the malt duty were done away in ascertaining what would be the number rrels on which you should pay the license ?—It is calculated now; they charge you four barrels a quarter, which no man ever they charge you for more beer than you

58. Supposing a license duty were substi- for the present malt duty, it would come to 5 *s.* to 6 *s.* a barrel where you now pay 3 *d.*; t if you pay in the course of a year 9,000 *l.* you would then pay 180,000 *l.* a year as the sing duty ?—Yes.

59. Could it be levied without any vexatious ference with the Excise, to save possible fraud ame as now ?—Yes, it could from the public ers.

60. It is simply a question whether you l levy such an amount of duty as would be 7. equivalent to 5 *s.* or 6 *s.* a barrel from the private brewers ?—Yes.

3161. You say now that you feel it a hardship to pay 9,000 *l.* where the private brewers do not pay anything ?—Yes.

3162. And the hardship would be far greater if you had to pay 180,000 *l.* a year ?—Yes; and there is a very great quantity of malt used by private brewers; and if you give them the opportunity of using it and pay no duty whatever, they would use a great deal more; there would be an increase in the amount due by them, and a decrease with those who are certain to pay.

3163. What advantage do you think might result from the substitution of a license duty for the malt duty, supposing you get over the difficulty of private brewing; would the only and the great advantage you anticipate be the power of using cheap materials as a substitute ?—I think our hands would be untied as regards the use of malt instead of sugar; but when we found a high price of barley, we should look for something else.

3164. You would pay a license duty of so much upon a barrel of beer, whether made from mangold wurtzel or malt ?—We should.

3165. Would that be the means of enabling you, upon an average of years, to make a good wholesome beer as you do now ?—Yes, no doubt.

3166. And therefore in that way you think there would be a positive advantage to the public in substituting a license duty ?—Yes.

3167. But you could not collect that from the private brewers without an amount of Excise regulations and interference which would be very vexatious to them ?—No.

3168. The question is narrowed very much to that, whether the Government could secure the revenue, and establish an equality between the public and private brewers, without such an obnoxious amount of Excise interference ?—Yes.

3169. Mr. *Ayrton.*] Is there not a great difference in the strength of beer brewed ?—There is.

3170. Varying 100 per cent. ?—Yes.

3171. If that be so, would there not be a great difficulty in having a uniform duty upon a barrel of beer brewed ?—There would.

3172. You think it would hardly be a just tax, if it were charged by the barrel, that the fine ales that are brewed very strong should be taxed at the same rate as what is called three-halfpenny beer ?—No.

3173. Therefore any system of charging the beer by the barrel, to be just, would involve a system of gauging the beer ?—Yes.

3174. Which would be almost an impossibility ?—Yes.

3175. It would be an impracticability according to ordinary ideas of business, would it not ?—It would.

3176. Therefore, if we came to any system of taxing beer, do not you think it would necessarily resolve itself into a taxation upon the quantity of malt consumed in brewing, so that everybody would pay according to the strength of his beer ?—Yes.

3177. Therefore we should come back to the tax upon malt paid by the brewer instead of the malster ?—Yes.

3178. That would be only giving greater facilities for fraud, which are now prevented, namely, taxing it in the hands of the brewer rather than taxing it in the hands of the maltster, where it is

under

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under a close survey?—Yes; my only opinion is, that the malt tax is collected very closely.

3179. If, instead of taxing it in the couch, you let it go out, and try to tax it in the hands of all the community, you would be allowing a latitude for frauds?—Yes, the door would be opened to fraud.

3180. Which it would be very difficult to shut, unless we came to the old system of having a register by the maltster, as to his sale of malt, which would leave us exactly where we are now?—Yes.

3181. What is the difference in the estimation of the brewer in the very fine malt which gives a difference in value compared with other malt; is it the demand?—It is what you get out of it; the fact is, that the malt that is made bright and pale yields a certain number of pounds of saccharine per quarter; but when you get to a class lower, the amount is less.

3182. It is the brewer's estimate of the saccharine results which you can get from the malt which gives the difference in value?—No doubt.

3183. Do you think, having regard to the different quantities produced, and the different qualities, that the demand is generally larger for middling malt than it is for fine malt?—It depends so much upon the seasons; sometimes you get a whole crop very fine, and sometimes you get it half wetted and sprouted, then your best barley goes up 10*s.* a quarter. Last year the whole crop of barley was good.

3184. Is the difference in price only due to the difference in the saccharine results, or to the power of making a peculiar quality of ale from fine malt?—To its saccharine results.

3185. You do not think it results from the power it gives you of making what may be called a fancy or a peculiar class of ale different from that which is drunk by the mass of the community?—I think not; the only great difference with regard to barley that I know of is, that the Burton brewers like a very bright barley.

3186. And their manufacture is a much more expensive manufacture than yours, is it not?—It is.

3187. I want to know whether it is the demand for this expensive manufacture that enhances the price of a certain sort of malt?—No doubt of it.

3188. That is something more than mere saccharine; it is the power of making a peculiar commodity that increases the price?—Saccharine is the first guide. If you can get beauty of complexion with it, it enhances it still more; but generally the two go together.

3189. Do you know at all what is the difference in the result, proportionate to the difference in price; is it worth your while to use the very fine malt in brewing ordinary beer?—Yes, certainly.

3190. Do you think it pays you?—Yes; the finer the barley the better.

3191. You pay a higher price in order to get the saccharine results, although you are brewing the strength of ordinary beer?—Yes, we get more out of it.

3192. Cannot you get as good a result by adding sugar?—It is the same thing; you pay for the sugar.

3193. I am speaking as regards the commodity; is the result as good made from a supplement of sugar as if you made the beer entirely from the finest malt?—For certain classes of beer it is, such as beer intended for immediate use; but f beer for keeping and exporting we dare not us sugar.

3194. I suppose, when people talk of brewin beer for nothing, that, in your view, results fron the fact of their having all the materials at thei disposal, of which they take no account, as wel as their own labour?—I presume so.

3195. And having them, they make the beer and as they do not actually pay anything out they think they do it for nothing?—No doub of it.

3196. Did I understand you to say, if ther were a return to the stringent conditions unde which the beer tax was formerly collected, yo think it would be quite intolerable?—I am sur it could not be done.

3197. When you spoke, therefore, of paying substitute by way of the license, you meant tha it was to be paid without any more restriction than are at present imposed upon the brewing beer?—Yes.

3198. If you were to have any more restric tions, then it would be a very serious question fo the brewer to consider whether, in the competi tion that now goes on, he could carry on a com petition satisfactorily?—Yes, that is so.

3199. Mr. *Dent.*] I gather from your evidenc that the principal gain that might result fro the repeal of the malt duty would be that, per haps, in years when barley was dear, you migh use some other articles instead?—Yes.

3200. Then the advantage would result onl to the brewer, because you say you do not alte the price of beer with the price of barley?—Yes, that is so.

3201. Then the consumer would not get muc advantage by the repeal of the malt tax?—Th is if the malt tax were repealed and nothin were put on as a substitute.

3202. We are not to suppose that nothing is be put as a substitute?—It would not alter t price of the production of beer.

3203. I am supposing that a tax is put upo the public and private brewer, which is to pr duce at all events as much revenue as the ma tax does now, then the consumer would not ga any great advantage?—No.

3204. Do you think the agriculturalists wou gain any great advantage?—No.

3205. Do you think it possible that the grow of barley in this country could be increased the amount of one-third if the malt tax we repealed?—Malt tax or no malt tax, there a farms that grow more profitable things tha barley.

3206. You must have a large acquaintan with English agriculture from your own person observation?—Yes.

3207. Do you think it possible that the fa mers in England could, in accordance with t rules of good agriculture, increase on the grow of barley one-third?—No, it is the most prof able crop that they grow now.

3208. And in proportion to wheat, it has bor since the repeal of the Corn Laws a proporti ately higher and more profitable price?—Yes, is the best crop that they can grow.

3209. I think I understood you to say that certain seasons, when wheat was cheap, you ha used wheat for malting?—We have.

3210. Is there any limit to the use of malt wheat; are there any times in the year when is not so favourable to use it as at others?—

ways malt it as we malt the barley. We
ne-third wheat and two-thirds barley steeped
ner.

1. From your point of view, supposing the
tax were repealed, and the license duty, or
ther duty, imposed instead of it, there would
ry little advantage to anyone?—I do not
there would be any great advantage.
king of the growth of barley, I saw a most
ordinary remark made in the evidence given
that 500 acres of light land had been laid
in grass, owing to the disadvantage of
ng barley under the malt tax; that was in
arishes of Criswell and Duxenford; there
ot 500 acres of grass land there.

2. *Chairman.*] Mr. Ayrton asked you some
pertinent questions with regard to the dif-
strength of beer?—Yes.

3. Do you think it would be any loss to
venue, supposing that you took two bushels
alt as the average for a barrel of beer, and
you raised a brewer's license upon that sup-
on; taking it on the average, do you think
would be any loss to the revenue in col-
g the duty in that way?—No, there would
gain.

14. And then you think there would be no
sity for going into the different classes of
so as to inconvenience the brewer nearly so
as the old beer tax did?—You may get a
l of beer from two bushels of malt, and you
not get a barrel of beer from four bushels;
pends upon the strength of the beer you
; therefore, the tax on a barrel of beer
d be unfair. Some beer is 100 per cent.
ger than others. At present we are taxed
the supposition that two bushels of malt
a barrel of beer; but no one, on the average,
got a barrel of beer from it.

15. At present you are paying the license
the supposition that two bushels of malt
make a barrel of beer?—Yes.

16. Supposing that supposition were ac-
ed by the revenue, and a brewer's license
raised upon that supposition, a very large
nue could be obtained in that way, could it
—No doubt.

17. Supposing there was a surplus, and that
lus was enabled to be used for the diminu-
of the tax, any reduction in the brewer's
se could be very easily accomplished?—Yes.

18. Supposing the Government only wished
ise a certain amount of money, the diminu-
of the brewer's license would be an easy
of getting rid of any surplus, would it not?
es.

19. Therefore, both with respect to charging
two bushels of barley, and also with regard
ne reduction, supposing you wished to reduce
duty, do you see any detriment to the re-
ne in that course?—No; the whole of the
duty only affects the price of beer a half-
ny a quart, so that your small reduction
ld not do much for the public.

220. Supposing there were no intermediate
ble to pay the duty upon malt, and the brewer
it direct, would not the brewer get his malt
aper, and be able to sell his beer at a greater
action than the amount of the malt tax?—We
e all our own malt now.

221. That is not the case with all brewers, is
—No, but it is the same thing nearly; there
very slight profit between what we pay and
at the maltsters would charge.

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3222. You put it down at 4 *s.* 6 *d.*; and the maltster's charge, with his profit, would be 6 *s.*; that would be about 1 *s.* 6 *d.* a quarter difference?—That would not be a great deal.

3223. Do you use much foreign barley?—Yes, in some seasons.

3224. Do you think that the repeal of the malt tax would have the effect of bringing over a larger quantity of foreign barley than is now imported?—I cannot say that it would, but we are getting more and more every year.

3225. Was that the case last year?—Last year was an exceptional year altogether, because barley was wanted abroad; but in nine years out of ten the quantity of barley coming into this country is greater than it was last year.

3226. Is most of the foreign barley coming into this country fit for malting purposes?—No, it is not.

3227. We have it in evidence that the Saale and Samur barleys are the best barleys that come from abroad?—The Saale barleys are the best, and command the highest price; but still you get some magnificent barleys from Hungary. We have been malting barley shipped at Trieste, which was as good as any I ever saw for the purpose.

3228. We have it in evidence that barleys shipped at Trieste are fit for malting, but we are told that, with a few exceptions, the Black Sea, the Sea of Azoff, Asia Minor, and Egyptian barleys are not fit for malting?—They are useless for malting purposes.

3229. Taking one year with another, do you think the foreigners could ever beat our English barleys?—No, as a general rule, certainly not.

3230. Therefore you think that the English barleys would always command the highest price in the market?—The best English barley will always, I believe, fetch a higher price than the best foreign barley; but still we are getting finer barley into this country from abroad year by year. We have had barley fit for malting from Canada, New York, California, and Chili.

3231. We have had all that in evidence; but every witness has stated it is his opinion that both first and second class English barleys, not going down to the lowest class of grinding barleys, but taking one year with another, always command the highest price?—No doubt the English barley has the advantage of being at home, which is a great thing.

3232. You said something about the altering of the credit having reduced the number of maltsters?—Yes.

3233. Do you think that if the credits were lengthened, there would be a considerable increase in the number of maltsters?—Yes, I think the alteration of the credit has decreased the number of maltsters; there is a very unaccountable decrease of maltsters. According to the evidence given before this Committee, in the year 1835 there were 14,000 maltsters, and in 1867 there were only 9,700, which is a very unaccountable thing; it was in the year 1860 that the credit was altered.

3234. Questions have been asked whether the opening of railways, and the building of large malthouses close to railway stations in large towns, has given the large maltsters a great pull over the small maltsters living in country districts, where they have not had the same easy communication;

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munication; do you think that has had anything to do with it?—Yes, because when a malthouse is built under the excise regulations, it is not worth while to build a small malting. According to the excise plan, you make a malting in one house which used to be made in four or five houses.

3235. So that you think if the malt tax were repealed, there would again come into the field a large number of small maltsters?—I think you would have more buyers.

3236. You say you malt sometimes two-thirds barley and one-third wheat?—Yes, we make it into malt, but wheat is so exceedingly heavy on the floors, that it requires barley to be mixed with it to keep it light and soft.

3237. Has hot or cold weather anything to do with malting wheat?—No, it has not.

3238. Will wheat malt as well as barley does, in hot and cold weather?—You can make barley into malt in hot weather; but in good malting weather you can malt wheat as well as barley.

3239. I am aware that you do not make it in very hot weather, or in very cold weather; but it is as easy to malt wheat as barley?—Wheat will not stand as much heat as barley, but the coldest weather is very good for malting—cold weather; we do not consider cold weather a disadvantage at all, unless it is extremely severe.

3240. Mr. *Benyon.*] Would you make use of artificial heat?—We do not use much artificial heat.

3241. *Chairman.*] You said that the best barleys were grown on light lands, and that in Norfolk you have known barley that weighed 58 lbs. a bushel?—I have seen barley weighing that.

3242. Do not some of the Scotch barleys weigh very heavy?—Yes, they do.

3243. But the quality is not so good as the Norfolk and Suffolk barley, is it?—They grow magnificent barley, but they are more subject to wet than we are.

3244. Lord *Eustace Cecil.*] I should like to ask a question upon a point referred to by the honourable Member for the Tower Hamlets: he said, if a beer tax were to be levied, there would be great difficulty in levying it upon the best and inferior sorts of beer; are there not different kinds of malt?—Yes.

3245. And is there not a greater strength in one description of malt compared with another?—There is.

3246. If that be so, is not the malt tax, at the present moment, very unfair, because the lower class of malt has to pay exactly the same tax as the higher?—You are mistaken, I think, because you may malt the lower class of barley by weight, and you pay a less duty than for the higher class. The lower class of malt is altered considerably by its increase in drying, and it does not pay 21 *s.* 8 *d.* per quarter malt duty, even if you malt it by measure. The produce of it is the same, and you only get 21 *s.* 8 *d.* duty out of it when you brew it.

3247. The tax is assimilated between the two kinds of malt?—It is.

3248. Major *Parker.*] I believe you produced a sample of malt made from Chilian barley?—Yes, I did.

3249. What was your object in doing so?—I produced it as a curiosity.

3250. What did you say the price of that barley was?—It cost us 37 *s.* 6 *d.*, delivered into maltings in Essex.

3251. I had the curiosity to take a pinch of and to extend my curiosity still further, and exam it. There are 40 grains here, and seven of the I find to be much damaged or eaten by inse Is it your impression that the damage occur in the voyage home from Chili?—No; if th had been so, those would have floated on t cistern, and have been skimmed off.

3252. Will you examine the Chilian ma and tell me what is the matter with several the grains; they appear to be eaten at one en —The eye, which is the life of the root, has con out.

3253. Mr. *Henry Surtees.*] You stated th the price of barley was 44 *s.*?—Yes, it vari from 40 *s.* to 50 *s.* this year.

3254. Can you tell us what has been th average price of barley since you have bee acquainted with the business of brewing?— cannot tell you that; but the average price barley for the last 10 years has been 37 *s.* 11 *d.*

3255. Does that represent the average cost?- I speak only of last year; last year was a ver high-priced year.

3256. Do you know anything about foreig malt?—I have seen malt made in foreign parts.

3257. Do they make it as good as we do i this country?—They can make very good mal if they like.

3258. Do you consider foreign-made malt a good as that which is made in this country?—I you put English maltmakers out there to mak it, they might make it as good as that which i made here.

3259. Do you ever give malt to your horses —No, never.

3260. Not even if they are out of health?- No; it would be quite the exception to do so.

3261. Mr. *Read.*] There is a very small dif ference this year between the best and wor barley, in comparison with other seasons, is ther not?—Yes.

3262. You have had some as high as 50 *s.* and some as low, I suppose, as 36 *s.* or 38 *s.*?- We could not find any inferior barley grown i England last year, and we had to buy Chilia barley; the whole quantity grown last year wa of a very fine quality.

3263. There is a difference of something lik 25 per cent. this year, between the best and th worst barleys that can be malted?—There is great deal of difference. The price began a 40 *s.*, and went up to 50 *s.* I bought barley i October at 40 *s.*, and it soon rose to 50 *s.*

3264. You say that the malt tax increases th price of barley?—I think the finest barleys ar selected on account of the malt duty.

3265. And that it increases the price of bee and prevents you from using cheaper articles?- No doubt it does.

3266. Do you think an excise tax has a ten dency to raise the price of the raw materi generally in other trades?—I should say it ha not.

3267. Is that not so in the case of leather?- No.

3268. You think that the small maltsters wer the farmers' best customers, do you not?—Th more buyers in the market the better for th farmers, of course.

3269. If I were in a position to be compelle to borrow three-quarters of my capital of m

banker

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r, would you think I was a bit tied to him banker?—Yes, I should think you were hly; you would not leave him and go to er banker, unless you had paid him off.

0. Is it the custom for one brewer to er a mortgage to another?—Yes.

1. Do they transfer them very readily?—antly, for the least offence. There is not body to deal with in the world as London ans; they are the most independent set of hat ever walked.

2. Mr. *Dent.*] I do not quite see what the ax should have to do with the dependence ependence of the publicans generally?—but generally speaking, it is supposed that blic-houses belong to the brewers.

3. The malt-tax does not cause that at all?

4. And in the same way the increased value of public-houses in the country does not arise from the malt-tax, but from the licensing system?—Yes, it is supposed that a house that can produce a greater profit is worth more than another.

3275. But both those things apply rather to the licensing system than to the malt-tax?—Just so.

3276. Mr. *Read.*] When you said that the baker was indebted to the miller, you did not mean that the baker's shop belonged to the miller?—I think a great many baker's shops are in such condition, that they belong to the millers. I have heard that a baker is bound to buy of his miller, and is frequently in the same situation that many labourers get in who go to a little village shop and get into debt, and can never get out of it, and are therefore bound to deal at that shop.

Mr. Henry Allsopp, called in; and Examined.

Mr. *H. Allsopp.*

7. *Chairman.*] I THINK you are the senior er of the firm of Allsopp & Sons, of Burton-ent?—I am.

8. You have two breweries there, have you -Yes.

9. Do you brew about 140,000 quarters of —From 120,000 to 140,000 quarters.

0. And, I believe, you use little or no ?—We use no sugar, except experi-lly.

1. I believe your breweries are situated to the railway?—One brewery is on the ay, and we have railways connecting all our s or maltings, and both our breweries.

2. Do you make most of your malt your-s?—Yes; we make most of it ourselves.

3. How much do you make yourselves, how much do you purchase?—We make 100,000 quarters ourselves.

4. And you purchase from 20,000 to 40,000 ers?—Yes.

5. Do you buy your barley all over Eng-?—We do.

6. You have agents who purchase for you, you not?—Yes; and they also malt for us antham and Beccles, in Suffolk.

7. You buy the best class of malt and the class of barley?—We do.

8. That is to say, it is the pale-coloured is it not?—We use a variety of malts; but taple trade is in bright barleys and barleys best description.

9. Pale ale is your principal manufacture, not?—No, not our principal; we have a trade in pale ale; I think it is nearly one-f our total production.

90. Do you export your beer?—We do.

91. Is that principally pale ale?—It is ipally pale ale.

92. Do you send it to India?—Yes.

93. And to Australia?—Yes.

94. And to America?—We send very little merica.

95. And to France?—Yes; we send to ce.

96. When you export your beer you get a back for the malt tax?—We do.

97. What is the amount of the drawback you get?—6 *s.* 3 *d.* per barrel of 36 gal-

98. That is the *bonâ fide* duty per barrel? 0.57. —As near as possible; the duty varies to a trifling extent; we do not get the full amount of the duty, because we cannot run it so fine in claiming it.

3299. That is as near as you can get it?—Yes; if we attempted to claim the whole of the duty, we should very probably, though not from our own carelessness or desire, render our beer liable to be seized. A margin is obliged to be left so as to insure its passing, and our receiving the drawback, without any demur on the part of the Inland Revenue.

3300. Do you find any difficulty in making your claim for that drawback?—Not the slightest.

3301. It is always very readily allowed?—It is.

3302. What is the quantity of your export; how many barrels?—I cannot tell you; but I should say that our export trade is not so large as it was; it has been decreasing.

3303. How do you account for that?—By a variety of circumstances; in America they now put an almost prohibitory duty upon it; in the Australian colonies they are brewing themselves, and in India the trade has changed very much; we used to ship very largely in bulk, but now it principally goes out in bottles; therefore our export trade in cask has fallen off on that account. However, that is made up by the largely increased shipments in bottle; but the bottlers, who buy from us, claim the drawback, and we know nothing about it.

3304. Do you know that a certain amount of malt is exported to Australia?—I believe that is so.

3305. Do you know whether any malt is made out there?—I should fancy so.

3306. They brew there?—Yes, and in New Zealand also.

3307. What is there to prevent their brewing there entirely; is the climate against it?—I do not know, but I believe they have all the drawbacks and disadvantages of young colonists. Perhaps they have not the capital to erect the breweries and maltings, and they would have to import a great deal of their barley from California for the purpose of malting. There is also a good deal of malt shipped from England, but I believe that is on the decrease; I am not prepared to speak positively upon that.

3308. Is

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3308. Is any beer made in India?—I think, in the Himalayas they had a brewery established, but I have not heard anything of it of late years.

3309. Do you find that the Excise regulations are in any way inconvenient to you?—Not in the least.

3310. I believe the officers can inspect any of the operations in the place?—They come and go when they like, they have keys of every room.

3311. And their inspection does not interfere with the manufacture of beer?—Not under the present system.

3212. If a beer duty were put on, it would interfere more with your convenience, would it not?—I do not think we could carry on our business.

3313. Do you recollect the old beer duty?—I do.

3314. You heard what Mr. Pryor said about the beer duty?—I did.

3315. Do you concur generally in what he said?—I not only concur in all he said, but I speak from actual experience and knowledge, and go a great deal further than Mr. Pryor does, and I say that it would be an utter impossibility for us to carry on our business if a duty were placed upon beer.

3316. The restrictions would be so great, that it would practically, in the present day, interfere with the carrying on of your brewing operations?—I do not hesitate to say that it would be an impossibility to carry on our brewing operations. I am speaking of the old beer duty, of which I had personal knowledge.

3317. You were in business at that time?—Yes.

3318. With regard to the beer license, you have heard what Mr. Pryor said upon that point?—I have.

3319. Do you generally concur with him?—I do, to a certain extent; I should be reconciled to the license provided it bore equally on all parties; I do not speak of the trade only, but of the public. I think it would be extremely inconvenient to the public, and very probably a great loss to the revenue.

3320. When you say "the public," I presume you mean the private brewers?—I do.

3321. The consumer would pay through you?—I am not sure whether he would be reached in that way.

3322. If the public brewer is taxed, and the private brewer is taxed, in what way would he not be reached?—I think it very doubtful whether any license or tax could be imposed to reach a private brewer fairly, unless through the operation of the Excise staff, by the employment of an army of excisemen, which would tend very much to the private brewer's inconvenience. He could only be properly reached by very great supervision on the part of the Excise.

3323. But with regard to yourselves, you have a commuted hop duty which you pay in the shape of a license of 3 *d.* a barrel?—Yes; but I should be very sorry to think that the hop duty was to form a precedent for a beer-tax duty.

3324. But supposing the malt tax were repealed, and a brewers' license were substituted, there would be no difficulty in collecting that tax provided it was levied in the same way as the present brewers' license?—I admit that it could be collected from the brewers.

3325. And you see no difficulty, and no unfairness in a tax of that sort, provided the private brewer could be reached?—It would de upon whether the tax were placed entirely the beer produced; it would depend upo kind of tax entirely.

3326. Should you think it an unfair tax were raised upon the supposition that two bu of malt went to a barrel of beer?—Yes; I it would.

3327. How should you propose to fix it, posing you did not fix it upon some general of that kind?—I do not propose any alter at all.

3328. Supposing the alteration were t made, and you were to be asked in what you think the beer tax could be collected fairly on the barrel, how should you propo do it?—I think the fairest plan would be to it on the malt consumed, and not on the bee

3329. How would you get a proper retu the malt consumed?—That I do not know; the malt would be entered as it is now; a think that system would be open to very g objections. The present estimate of the malt sumed is approximate; but at the same tim excise officers have the power to gauge if please; I have no doubt the duty could be mated sufficiently correctly if taken on malt.

3330. Have you any public-houses of own?—My house as a house does not ow public-house; I have one of my own, and one; our trade is all over the country, and do not monopolise any trade; we have to see everywhere.

3331. You do not sell in the same sort of as the last witness told us, at 2½ *d.* a quar No, we are dependent entirely upon pu favour; we have nothing else to recommen but the quality of our beer; we go everyw for a market.

3332. About what price do you sell you dinary beer to public-houses in your neighb hood?—We brew from 18 to 20 different k of beer, and those beers go to every ma where they require a particular kind of l In London we do not as a rule sell anything than 48 *s.* a barrel; that is mild ale.

3333. But I speak of the class of beer or ter Mr. Pryor told us was sold at 33 *s.* a bar do you sell much of that class of beer?— brew a very small quantity of porter, very l except for our own immediate neighbourh we do not profess to compete with the Lon brewers in that.

3334. Do you sell any beer at all coming general consumption at about the same pric that Mr. Pryor mentioned?—Yes.

3335. You sell it generally to the pul houses in your neighbourhood?—Yes.

3336. Do they adulterate the beer after t have got it?—No.

3337. What do they charge per quart for beer?—I suppose the beer which we sell to t at 1 *s.* 2 *d.* a gallon they would probably cha 5 *d.* a quart for.

3338. Do you think it is an exaggeration to that they make three barrels out of two bar that you sell to them, by adulteration?—I quite sure that they do not. I look upon i most as an impossibility to adulterate ale as i said they do porter; I am sure that they can adulterate our ales generally.

3339. Do you know anything at all of the l shop beer which is sold throughout the count

I do not; we do not supply beer-houses
lly.
. You know that there is an enormous
r of beer-houses in every parish in Eng-
—I do.
. And you know that the beer sold there
of the very best description?—No; I do
ow that. We do not supply them, as a
our own neighbourhood; but in Wor-
hire, and also where we have stores and
shments, I know there are several beer-
supplied from our stores in Worcester,
have heard the beer sold in them very
praised.
. As a general rule, the beer-shops in
d do not sell the best beer?—I do not
hat.
. Do you think that private brewing is
sing or decreasing in this country; I mean
s and gentlemen brewing?—I think it is
sing.
. Is that at all from the reason which Mr.
gave us, that though they may brew well
imes out of ten, the tenth brewing is a
?—I believe that may have a great deal
vith it, but I believe they can buy better
an they can brew at home, as a rule.
. And cheaper?—And cheaper.
. You think that the public brewer can
cheaper than the private brewer or cot-
rewer can brew for himself?—I am sure
, and we do it, and send it all over Wales,
d, Ireland, and England. Our trade is
usly increasing; that is the best proof

. Is it your opinion that if the malt-tax
epealed, you would be able to sell your
t a less price than the deduction of the
x alone?—I do not think we should, be-
although it is desirable to remove every
ich is possible, I do not think the present
luty interferes very much with the con-
on of beer. If I remember rightly, the
nly amounts to 2 *d.* or 2¼ *d.* upon a gallon;
farthing on a pint of beer is not of very
consideration.
. Do you think generally that there would
uch greater quantity of beer consumed if
ice of malt had not so much increased
the last few years?—I think probably it

. Have the number of brewers increased?
not aware of that.
. Do you buy much foreign barley?—

. As you malt for yourselves, do you
that Bill of Mr. Gladstone into use, the
y Weight Bill?—I do not think we have
vailed ourselves of it.
2. You generally buy the best class of
barley over the weight prescribed by
ill?—Yes.
. Where do you buy your foreign barley,
lly?—It depends upon the seasons; we
reat deal of French barley, a good deal
e Rhine, and a good deal from Saale.
. Where do you consider that you get
st foreign barley from?—From the Saale
t, and from France, and we also get some
rleys from the Rhine.
. From what part of the Rhine?—From
ce, and that district down to Rotterdam;
e seasons they are very good indeed.
6. Do you think that the area for growing
the best class of foreign barley is limited, or do you think that the area may be increased?—I am not aware of that; but I think it is capable of extension.

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3357. But you find that the best class of barleys come from Saale, the neighbourhood of Saumur, and parts of the Rhine?—We do.

3358. The large heavy Hungary and all the Black Sea barleys never come up to those other barleys?—No, except in point of weight; the Danish barleys are equal to our English barleys.

3359. The Danish barleys are malted very often, are they not?—They are malted when there is necessity for it, when they can be malted at a price; they are not much liked for malting purposes, but they make fair malt.

3360. They are heavy barleys?—They are.

3361. You are also a practical farmer, are you not?—I farm a good deal.

3362. Do you grow a good class of barley?—Yes, I do.

3363. Is it grown on light land?—It is grown on very strong land indeed.

3364. Is that land well drained?—Yes, it is.

3365. What quantity of barley can you grow per acre on that heavy land well drained?—If you will allow me I will give you a little history of that land. The land which I have occupied for some years is amongst the strongest in Worcestershire, which is a very strong land county. This land was drained, and I had a steam cultivator; and believing that good barley could be grown upon strong land, I was induced to adopt a system which was unknown in Worcestershire, and that was by attempting early cultivation. My barley land now, as then, is planted after swedes, roots, or mangold wurtzel, and my practice is, as soon as possible, to clear the land of the mangolds or turnips, and then to put the steam cultivator into it.

3366. Do you feed the turnips off upon the land?—I draw everything off the land.

3367. Do you feed on your seeds?—Yes, I do, and use the roots in pulping, and in a variety of ways; this land lies all the winter, and if it is dry as soon after Christmas as it will carry my horses, I put the cultivator into it, and drill it with barley. Five years ago I finished planting on my birthday, the 19th of February, which induces me to remember it. My next door neighbour told my bailiff that Mr. Allsopp was mad, and that he was a fit subject for the asylum, and he laughed at me. Over the hedge was his barley land, which he ploughed in the spring, and planted in April. My barley went on and did well, and was well harvested. I give a prize to the Worcestershire Society for the best sample of ripe barley. That year I took my own prize against the Vale of Evesham and against all the fine barley in the county; that barley produced eight quarters to an acre. My neighbour did not get seed again from the dry season coming on. That was the result of early planting, and allowing the barley to become thoroughly ripe on the strong land. Last year I also showed my barley at the Agricultural Show. My bailiff stupidly sent two bags of barley and took the prize with the worst of the two samples, against the county. The former year's barley weighed 60 lbs. to the bushel, and I never bought any that weighed so much. I sent it to Burton to be malted, and my people told me they had never malted such barley before.

3368. Mr. *Dent.*] You steam cultivate the land after

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after carrying off the roots in the autumn?—Yes.

3369. Then you lay it up dry after it has been steam cultivated?—Yes, I do.

3370. *Chairman.*] Therefore it is your opinion that good malting barley can be grown upon heavy land?—I am sure I can grow better barley upon strong land than upon light land.

3371. The general tendency in England is not that way, is it?—No, it is not.

3372. If it were you think a much greater quantity of barley could be grown in this country?—I do.

3373. All the evidence that we have had is that as much barley as can be grown in this country is now grown?—For malting purposes, I do not think that is so.

3374. I mean for every purpose; is there as great a breadth of barley grown in this country as ought to be grown according to your system of cultivation?—I am sorry to say we have a very small breadth this year.

3375. Mr. *Dent.*] Is that in consequence of the high price of wheat?—It is.

3376. *Chairman.*] You have had great experience in foreign and home-grown barleys, have you not; taking one year with another, would not the English barley always command the highest price in the market?—I only know of one exceptional year, which was 17 or 18 years ago; we were dependent almost entirely upon foreign barleys for our fine barleys.

3377. Sir *Edward M. Buller.*] Would you be kind enough to tell us the expense of converting a quarter of malt into your beer which you sell at 1 *s.* 2 *d.* a gallon?—I did not come prepared with details, but a member of my house is present, and he will furnish you with them; I have not been attending to the details of the business for some years, and I might make a mistake if I told you.

3378. What would you say is a fair average price at which you purchase such barley as you commonly use to make the ordinary beer?—It varies very much. I have bought fine barley as low as 30 *s.*, and have given as high as 60 *s.* I have mentioned that some 17 or 18 years ago we gave 60 *s.* for them.

3379. I want to arrive at something like the prime cost of converting barley into beer, comparing the beer with the prime cost?—I can give you the last year's average price of barley, if that will suit you.

3380. Last year was a very extraordinary year; I would rather take an average of years?—I should say that about 40 *s.* is the average.

3381. What is the expense of converting it into malt?—We pay 5 *s.* per quarter for the malt which is malted by commission; we pay 4 *s.* for the malting, and 1 *s.* commission for purchasing, which is 5 *s.*

3382. You take everything, the outcast from the malt and the combs; you receive everything back, and pay 5 *s.* according to each bushel of barley you send in?—Yes; but we brewers do not expect to get a very great degree of outcast; we malt for use, and not for sale.

3383. The 5 *s.* would pay all the expenses, and also any interest that may be required on the money advanced by the maltster for the payment of duty?—The maltster does not advance any money; we find the money to buy the barley, and we pay the duty ourselves. The maltster does not find any money for us.

3384. The duty amounts to 21 *s.* 8 *d.*?— does.

3385. What quantity of hops would you quire for a quarter of malt, and about what pri would it be?—It depends entirely upon the be you brew.

3386. I am talking of the kind of beer whi you brew at 1 *s.* 2 *d.* a gallon?—From eig pounds to ten pounds to a quarter.

3387. What is the price of the hops?—T price of the hops is about 8 *l.*

3388. That is about 8 *l.*; what would you down for expenses?—You are going into deta which I said I could not furnish you with.

3389. How much of that description of be would you obtain from a quarter of malt?— depends upon the quality of the malt; but should say, on an average, from three and a-h to four barrels.

3390. The size of the barrels being 36 gallon —Yes.

3391. And what would be the price of t barrel of beer?—Forty-two shillings.

3392. If you had four barrels, that would gi you eight guineas?—Of course; but I said fro three and a-half to four barrels.

3393. And the whole outlay, with the e ception of the expense of brewing, would 3 *l.* 18 *s.* 8 *d.*?—No; I wish it were so.

3394. Exclusive of the expenses which y cannot give, 3 *l.* 18 *s.* 8 *d.* would be the expen of the materials and malt tax, and you wou sell the beer for 8 *l.* 8 *s.*?—Yes; but there a very large deductions to be made from that; the is, for instance, the discount and the carriage, co of casks, interest on buildings, plant, &c.

3395. You send beer out?—Yes; that be very likely has to go into South Wales, at a hi expense.

3396. Do you pay the carriage if you se beer to a greater distance, such as 100 miles Yes, or 500 miles in this country.

3397. Do you pay the carriage and deliver to the consumer there at the same price as y do in the town of Burton?—We make an aver throughout the whole country; there are cert districts where we limit our rate of carriage it comes into a circle, and if we were send beer out in the neighbourhood of Burton w our own teams of horses, where we incur so expense, that would come into the circle, a would be charged at the same price as we se beer off 50 miles by railway.

3398. Will you make an extra charge bey the two guineas on beer you deliver in the to of Burton?—No.

3399. And you make no extra charge bey that, for beer which you deliver in Liverpool No; I should tell you that we do not send li beers to London; we do not send our light be far from home.

3400. You tell us that there is a limit to distance you send it?—Yes, and a limit as to quality of the beer also which we send away.

3401. Can you tell us what would be average expense of sending out beer of quality to such distances as you have given —The average carriage is about 3 *s.* 6 *d.* a bar exclusive of cartage; that is, from terminus terminus.

3402. Then you calculate the value of y premises, the interest upon the value, profit, expense?—Yes; of course there is a large count off the beer; about 5 *s.* a barrel; we a

a mon

th's credit, and take a discount of some-
like 5*s.* a barrel off that beer.
3. You would put 5 *s.* discount down as
expenses?—No, that is entirely independent
penses.
4. You cannot give me your expenses, so
I cannot get very near the cost?—I can
say that they appear to be more than Mr.
r's are.
5. There is a great difference between
8*s.* 8*d.* and 8*l.* 8*s.* to cover your expenses?
s; but our expenses are very enormous;
we go a long way from home we have rail-
arriage to pay; our manufacturing, agency,
ther expenses are very heavy, and a large
nt of capital is sunk in buildings, plant,
, &c.
6. You are opposed to the repeal of the
duty?—As a farmer I am in favour of it.
7. But as a brewer are you in favour of it?
ave no objection to the repeal of the malt
s a brewer, provided there were no grievous
sts placed upon my trade; I have no objec-
to a tax of some kind or other, provided it
not interfere with my business.
08. Does not the malt tax require a brewer
ve a greater amount of capital to carry on
ame amount of business than he would re-
if there were no malt tax?—Yes.
09. That makes a great difference?—It does.
10. Out of 78 *s.* 8 *d.*, we have here 21 *s.* 8 *d.*,
one-fourth, as the malt tax?—That is so
11. Would not the malt tax necessarily
ire you to have one-fourth more capital to
on the trade than you would require if
were no malt tax?—No, to nothing like
extent; but it would certainly require a
er capital.
12. Supposing the expense of every trans-
n to be aggravated by one-fourth, it would
require one-fourth more capital; a man
ld require 40,000 *l.* to do what he would
ire 30,000 *l.* for if there were no malt tax?—
not know what additional capital it would
ire.
413. Colonel *Duncombe.*] The price of beer
h you sell to your customers in the country
s. 2 *d.* a gallon?—We have from 18 to 20
rent prices.
414. But what is the sort of beer you send to
tland and Ireland?—From 48 *s.* to 90 *s.*
415. Did you express an opinion to the Com-
ee that it would be cheaper for private
ies to buy beer at 1 *s.* 4 *d.* a gallon than to
themselves?—I did; for that quality of
, I think we sell to private parties cheaper
they can brew themselves.
416. As to your own agricultural mode of
lucing barley, do you attribute the good
ple of barley you grow on the heavy land to
early sowing?—Partly to the early sowing
partly to allowing it to become thoroughly
before it is cut.
417. And you get it thoroughly ripe in con-
uence of the early sowing?—Clearly.
418. Major *Parker.*] You are yourself a
ctical farmer, are you not?—Yes; I have
ned a good many years.
419. And as a practical farmer you are, I
k you said, in favour of the repeal of the malt
?—I am.
420. Do you think that the high prices of
ley are prejudicial to the farmer?—No, I
uld say not.

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3421. If you were told that a large corndealer in the London market had been before this Committee, and expressed himself to that effect, should you be inclined to concur with him?—I should not believe him.

3422. Mr. *Henry Surtees.*] I think you said that the drawback on the exportation of beer is 6 *s.* 3 *d.* a-barrel?—Yes, about that.

3423. Then, if you have four barrels of beer from a quarter of malt, you would receive a drawback of 1 *l.* 5 *s.* by way of duty?—We make a much stronger beer than that for exportation.

3424. It is not the description of beer to which you referred?—No; it is an entirely different description of beer.

3425. The license you now pay of 3 *d.* a barrel in lieu of the hop duty is collected without any inconvenience to you?—Yes.

3426. There would not be any additional inconvenience if you had to pay a beer duty in lieu of malt duty?—Not as far as payment is concerned, if collected in the shape of a license.

3427. There would be no more inconvenience in paying a beer duty in lieu of a malt tax than there was in paying the beer duty in lieu of the duty on hops; when you brew beer that you sell at 5 *d.* a gallon, do you know what the publicans sell it at?—That beer does not go much among publicans; it is for private establishments, and places of that sort. We brew beer, and sell it at 4 *d.* a gallon to publicans in the immedtate neighbourhood of Burton.

3428. What do they sell that beer at?—I do not know. It is necessary for us to do it where they buy our ale. They must have a certain quantity of that kind of beer when they do not brew themselves; but we get nothing by it.

3429. Do they mix the two qualities when they get them?—I do not know.

3430. Mr *Read.*] Do they sell the small beer in large quantities to agricultural labourers?—I should think they do.

3431. Do you think that that is the most likely way they dispose of it?—I do not know.

3432. Did you favour the Committee with the weight of the good sound barley that you grew on the heavy land?—It was the heaviest barley that ever I saw in my life or ever brewed. It weighed 60 lbs. a bushel net.

3433. Do you buy your barley by weight generally?—No.

3434. Do you agree with the last witness that the heaviest barley, as a rule, grows on the lightest land?—No; I disagree with Mr. Pryor altogether upon that.

3435. You very often get barley prematurely ripe, and consequently light and steely upon light land?—Yes, thin and steely.

3436. You do not think that the beer you sell is adulterated by the retailers?—No, I do not think it is, as a rule.

3437. You sell it to agents principally, do not you?—We have our own establishments in various parts of England, and as long as that beer remains in our own stores and establishments we consider it as good as under our own care at Burton.

3438. Can you account for this, that when I buy of your agent in Norwich I always get a most excellent glass of beer; but if I go into a pastrycook's or a chophouse, and they give me a pint bottle of beer with your label upon it, it is generally very inferior?—I should not think that

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that the cellars at pastrycooks or chophouses are very good for keeping beer.

3439. It does not seem to be the same quality of ale?—It depends upon the condition it is in; they probably get their stock in quantities of a cask at a time, or something of that kind, and it takes time to get into proper condition after bottling. If you remove wine, you find the same fault with it; beer requires settling, and it requires a good cellar quite as much as wine does.

3440. Has the price of your beer anything to do with the price of barley and hops?—The price of our beer is dependent upon the price of barley and hops; and we have had the privilege, I may say, as well as our respected neighbours, Messrs. Bass and Company, of raising the price of our beer in very bad seasons. We have it in our power to do so, but it is not at all a desirable operation.

3441. Have you lost any class of customers by raising the price of beer?—A number of them; but I am happy to say that we have got most of them back again.

3442. Because you reduced the price again?—Yes.

3443. A certain class of customers cannot afford to give you more than a certain price?—There are great prejudices in the trade; and the public wish to increase the competition, amongst the brewers, as if we have not enough of it, but we have. It is rather a wholesome check when we do reduce the price.

3444. Do they come back to you before or after you reduce your price?—Both.

3445. But more generally after you reduce the price?—We get them all back in time. It is a question of price.

3446. Have you not reduced your price of beer this year to your previous level?—I think we are still 6 *s.* a barrel higher for pale ale than we were many years ago.

3447. How much lower is your price this year than last?—It is 6 *s.* a barrel lower than last year on some quantities, and 3 *s.* on others.

3448. Although the price of malt and hops is rather higher this year?—Malt and hops are lower this year; our barley is 3 *s.* and 4 *s.* a quarter less this year than it was last year, and hops are very considerably lower.

3449. Are you one of the wise men who bought during the time barley was reasonable, about November and December?—We bought our barleys early in the season.

3450. You did not hold off from the English markets in those months and buy a large quantity of foreign?—I think our barleys were bought this year as well as most peoples. We had not occasion to buy it at very high prices.

3451. Mr. *Dent.*] You speak as a maltster, a brewer, and farmer; do you find that the malt duty interferes with your business, either as a farmer, as a maltster, or as a brewer?—I do not.

3452. Supposing the malt tax were taken off and a tax were imposed in the shape of a brewer's license, or in some other way to compensate for the loss of revenue, do you think you would be able to supply beer to the consumer any cheaper?—I mentioned, just now, that the impost was insignificant. It is only a farthing a pint. I do not say that it might not increase the consumption; but you are as able to form an opinion as I am. It is simply a question of a farthing a pint.

3453. You do not agree with the last witness that it would be possible, when barley is dear, introduce cheaper materials to brew from?—never occurred to me to use mangold wurtzel brewing, as Mr. Pryor informed you this mor ing.

3454. You say, as a farmer, that you are favour of the repeal?—Yes.

3455. Why?—Because I think, on free tra principles, we ought to be allowed to grow wh we like untaxed.

3456. You mean if the revenue can do wit out the tax?—That involves a large question; involves the question of taxation upon which have various opinions.

3457. Here we are to inquire into the exp diency of the repeal of the malt tax and to fi some substitute for it, and the only substitu suggested has been a brewer's license, whi both yourself and Mr. Pryor seem to think i practicable as regards private brewers?—Yes.

3458. I should like to know from you, as practical farmer, what advantage you consid the farmers will derive from the repeal of t malt tax?—I do not know that they would d rive special advantages from the repeal of th tax, except that on principle nothing should b taxed which his land produces. We have t compete now against the whole world in growin corn; and I think we ought to be allowed t grow tobacco if we could.

3459. I want to know how far you think th malt tax interferes with his growing barley?— cannot say that it does.

3460. Do you think that the effect of the mal tax is to lower the price of his barley?—No.

3461. Do you think it at all interferes wit his rotation of crops?—No; I do not think i interferes with it at all.

3462. We may take it for granted that it doe interfere, in some respects, with his preparatio of food for stock; that if he were allowed to mal his barley it might be useful occasionally fo cattle with other food?— I have no great faith i malt for cattle, but I think it might be given i some cases.

3463. I put the case as strong for the farme as I can, and I cannot find that there is any practical inconvenience for him in the malt tax, except that one of principle?—No.

3464. But as we cannot do without the revenue I should like to know how it presses injuriously and hardly upon the farmer?—I am not able to say.

3465. You do not think it lowers the price o barley; you do not think it interferes in the least with the rotation of the crops, and you do not place much value upon it as food for stock?—No. I do not. I have no experience of it as food fo stock except by reading the various experiments which have been tried, and from which I come to the conclusion that there is not much advantage in it.

3466. And therefore you would rather put it as a sentimental grievance?—Precisely.

3467. Mr. *Hardcastle.*] There was something said about collecting a license duty, calculated upon the amount of malt used. Supposing any of those substitutes for malt were used, which Mr. Pryor spoke of, would there be any available means of calculating such a duty upon them?—I do not see how it would be possible.

3468. *Chairman.*] Supposing you used mangold wurtzel instead of malt, should you think it a very hard case if you had to pay a brewer's license

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se upon the mangold wurtzel?—The subject
nly mentioned this morning. I have not
ime to consider whether I should use man-
wurtzel or not.

9. Supposing the duty upon a barrel of beer
aised by a license duty, should you think, if
used anything besides malt and sugar, it
be a hardship that you should be charged
upon it?—No; it would be the same upon
s upon malt.

0. You would think anything that is called
whatever it is made of, ought to pay?—It
same with sugar now. We pay duty upon
; and if you use mangold wurtzel as a sub-
for malt or sugar, I suppose we would
to pay duty upon mangold wurtzel.

1. At the present moment, brewers are re-
d to the use of malt and sugar?—Yes.

2. Have you ever used anything besides
in the shape of a bitter for your beer?—
ertainly not.

3. Do you think that you are able to use
ther substitute for hops?—I was not aware
ill I heard Mr. Pryor say so this morning.

4. Supposing the malt tax were repealed
t you think you would have to pay more for
first-class barley?—No.

5. You would not agree with my friend
ass that you would have to pay a higher
for first-class barley?—No.

6. If Mr. Bass were to make an offer of
ore for the best barley produced in England
malt tax were repealed, you would not like
low suit?—I am obliged to do so, sometimes;
r. Bass is very spirited in those matters.

77. You have given us some information as
ds the cultivation of heavy lands; do not
hink at the present moment that many far-
are deterred from growing barley on account
e malt tax, because they think that they
t grow barley sufficiently good for malting
ses?—Since I adopted the plan in Wor-
rshire of planting barley early, and letting it
till it is perfectly ripe before it is cut, my
bours and my own tenants are following
and my next door neighbour, whom I men-
, is also following the same plan. He has
y now which he would not have planted
years ago till April or May, looking as well as mine is. He is converted, and my neighbours are converted to my plan; and if it was generally known that first-rate malting barley can be grown upon strong land, the plan would be more universally adopted, for I am perfectly convinced it is a good one.

3478. Have not farmers stopped growing barley because they thought they could not grow a sufficiently good quality for malting purposes?—I think they, perhaps, may have done so; I should be glad if they would make the attempt to grow barley upon heavy land; because I am sure it would answer their purpose to do so.

3479. I gathered from your evidence, that, taking the general run of one year with another, you think that foreign barley can compete with our English grown barleys?—I think our barleys are best, as a rule.

3480. Mr. *Read.*] You are aware, that in heavy land you do not often have the opportunity of sowing your barley in February?—No, certainly not. Last year I sowed it in March; but this year I sowed it in February.

3481. *Chairman.*] Looking at your business, and looking at the business of an ordinary country brewer, should not you say that the malt tax had less effect upon your business as a brewer than it would have upon an ordinary country brewer?—I do not see why it should be so.

3482. Your business is a much higher class of business than that of an ordinary brewer?—We sell some of our beer at 4 *d.* a gallon. If a license duty were adopted, I think practically our brewery would be shut up, or we must return to what was nearly the case a few years ago, namely, limit our production to two or three classes of beer. I am sure it would be impossible for the Excise to look after the brewing of so many different kinds of beer. We now brew from 18 to 20 different kinds.

3483. That would be by the beer tax; it would not be so with a brewer's license?—No, nor would it be so if the duty were on malt.

3484. Sir *Edward M. Buller.*] Would it not be practicable for you to have your own exciseman on the ground?—One exciseman could not attend to our brewing; we should want a dozen at least.

Thursday, 25*th June* 1868.

MEMBERS PRESENT:

Mr. Ayrton.	Mr. Hardcastle.
Colonel Barttelot.	Major Parker.
Sir Edward Manningham Buller.	Mr. Read.
Mr. Dent.	Mr. Henry Surtees.
Colonel Duncombe.	

COLONEL BARTTELOT IN THE CHAIR.

MR. CHARLES PETER MATTHEWS, called in; and Examined.

Mr. *C. P. Matthews.*

25 June 1868.

3485. *Chairman.*] I BELIEVE you are a Partner in the firm of Ind, Coope & Co.?—I am.

3486. Brewers of Romford and Burton-upon-Trent?—Yes.

3487. Your two breweries are nearly equal as to extent and size?—Nearly so.

3488. I believe you brew between 80,000 and 90,000 quarters of malt a year?—We do.

3489. And about half is brewed at Romford, and half at Burton-upon-Trent?—Yes.

3490. Is your sale of beer principally to private families, or to public houses?—The sale of beer from Romford is chiefly to private families, and the sale from Burton is chiefly to taverns, hotels and dealers.

3491. Do you export any beer from Romford or Burton?—We export beer both from Romford and Burton.

3492. Is your Burton beer what is commonly called pale ale?—The bulk of it is.

3493. What you brew at Romford is the ordinary strong ales, I presume?—No; it is chiefly the light bitter beer.

3494. That of course would go to the higher class of customers, rather than the ordinary beer?—It would.

3495. Is the Romford supply a metropolitan or country supply, or both?—Both.

3496. Is it principally to London?—It is principally to London; but it is supplied to all the chief towns in England.

3497. You have agents in most of the large towns?—We have depôts in most of the large towns of England, Scotland, and Ireland.

3498. Do you malt your own barley?—We do not.

3499. Do you have agents who purchase barley for you, or do you have agents who purchase and malt it for you?—We buy almost entirely of factors and maltsters; we do not commission.

3500. The other two large brewers whom we have examined buy it by commission principally, except where they malt it themselves; but you buy the best malt you can from the different factors?—Yes, we do.

3501. Do you buy principally the highest class of malt?—Principally.

3502. Do you buy any brown malt?—Very little.

3503. Do you buy any black malt?—Yes, we buy a little black malt.

3504. Do you make your porter from the bl malt?—We do.

3505. Do you make a large quantity of port —Not a very large quantity; we make ab 20,000 barrels a year at Romford.

3506. Do you find the excise regulati interfere at all with your brewing process?—

3507. Will you tell us how your brew license is at present collected?—It is collect in two payments, about October and March; th are prepayments.

3508. What do you mean by prepayments They are based upon the trade of the preced year, and at the end of the year there is a charge or an allowance, as the case may be.

3509. If you were charged one year up 90,000 quarters of malt, and the next year only brewed 80,000 quarters, you would ge return duty upon the 10,000 quarters?—If paid upon 90,000 quarters, we should get a ret upon the 10,000.

3510. The license is at present collected a prepayment, and not a payment after brewing is completed?—It is a prepayment, a not upon the malt actually brewed.

3511. Would there be any difficulty in raisi the license upon the malt actually brewed That is a question I can scarcely answer; I thi it is a question for the Excise.

3512. There would be no difficulty in y giving a return, and in the Excise seeing quantity of malt you are about to brew?— there would be no difficulty.

3513. And upon that quantity of malt, th would be no difficulty in levying a license dut —No, I think not.

3514. Do you think that the license duty wou be an unfair duty to the brewer, supposing t malt tax were repealed?—It would not if cert conditions were observed.

3515. What should those conditions be?—T first and the most important would be, an equ able levy of the tax upon private and cotta brewers alike.

3516. Then supposing that the tax could levied upon private and cottage brewers, so as the large brewers are concerned, you wou see no objection to such a duty being impose —Provided that it did not really exceed t present malt duty, and provided we retained t advantage which the malster possesses under

Gladston

one's recent Act of Malting by Weight, l of by gauge, I see no objection.

7. Provided you have those advantages, ould see no difficulty in a brewer's license placed upon the brewer, instead of upon alster?—No, we could not have any able objection to that, I think.

3. And if that license could be diminished, ould then think it a better thing perhaps he malt tax?—Yes, clearly.

9. So as not to pay so much as you are now by the malt tax?—Any diminution of nt must be an advantage.

0. And if the malt tax were repealed, do ot think there would be an increase in the nption of beer?—If it were entirely re- , I think it is possible there might be.

1. Then if there was an increase in the d for beer, and an increased consumption, e tax was reduced, of course the public benefit very much by it?—The public benefit by it.

2. What do you put the malt duty at per ?—I have not calculated it; it is difficult ortion it to the variety of beer.

3. We have it in evidence that it is about quart?—It would be about 2*d.* a gallon; 6*s.* a barrel; that is about the amount upon erage.

4. You do not sell a great quantity of beer London public-houses?—Yes, we sell a erable quantity to the London public-houses Burton beer, but not of the Romford beer.

5. Have you heard that two barrels of your re made into three barrels in public-houses? ave not heard that.

6. Do you think that your beer is adul- d after it goes to the public-houses?—I do hink our pale ale is adulterated. I do not it is possible to adulterate it.

7. Do you not sell another kind of beer to ublicans?—We sell mild ale; that might be erated, but I have no right to say that it is so.

28. Have you heard that great adulterations ke place in some of the public-houses?— e heard such assertions made, but I think is a great deal of exaggeration about them.

29. What is the price at which you sell your to the publicans?—The prices vary.

30. Take it per barrel?—We sell beer from up to 84 *s.*

31. Thirty-six shillings is the lowest quality ell?—Yes, 36 *s.*, subject to a discount.

32. What would the discount bring it down -The discount is 10 per cent.; that would it to about 32 *s.*

33. What does it cost you to brew one l of beer; might I say that a quarter of will make about three and a half barrels er?—Yes; you are now referring to what all public-house fourpenny beer.

34. Yes?—That is a trade we do not do of.

35. I thought you said that you sold some at 36 *s.*, subject to a discount, which would g it nearly to the beer which we have it in ence is sold at about 32 *s.*?—For that de- tion of beer three and a half barrels might aken as an average; but it varies very much fferent years.

536. What is your expense of brewing a quar- f malt?—Our working expenses average about upon a quarter of malt; that means working nses and expenses of delivery, including railfreight.

57.

Mr. *C. P. Matthews.*

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3537. I think we have had it in evidence that 30 *s.* was about the cost?—It depends entirely upon the nature of the trade; a purely local trade would be covered perhaps by 30 *s.*, but a foreign trade would not be covered by it.

3538. Do you agree with the two witnesses we have had before us, that the last two years have been bad years for brewers; that you have not made so high a per-centage of profits?—Speaking of the year ending last October, it was not a good year generally.

3539. And how was the year before?—The year before was better; I speak of course as regards our own operations; last year was about an average year; the year before was above the average.

3540. Have you many public-houses of your own?—We have about 50 in the country.

3541. Have you any in London?—Not of our own.

3542. Do you lend any of your money to publicans in London?—Very little.

3543. You have very little money locked up in that way?—Very little.

3544. Am I right in saying that you have not more than 10,000 *l.* locked up in that way?—10,000 *l.*, I think, would be the extent.

3545. That to a large brewer is very small?—It is a mere bagatelle.

3546. Have you ever bought any foreign barley?—I have bought a great deal of malt made from foreign barley.

3547. Do you find that the malt so made from foreign barley is as good as our English malt?—Some of it is quite as good, and well adapted for brewing a high class of pale ale.

3548. Is that malt principally made from the Saale and Saumur barleys?—It is principally made from the Saale barley, and some of the Rhine barley is very good.

3549. Do you think that the best class of barley is principally confined to the northern parts of Europe, that is to Germany and to the north of France?—Yes, I think so.

3550. You would not go to the Black Sea or to Trieste for any barley that would be fit for malting purposes?—No.

3551. We have it in evidence that there is some barley from Trieste that might be malted, but that the Black Sea barleys as a general rule are not fit for malting purposes?—I cannot speak from my own knowledge as to that.

3552. Do you use any other bitter besides hops?—No.

3553. You may use any bitter, may you not?—We may use any bitter which is not deleterious.

3554. Supposing malt was at a very high price, do you think if you were allowed to use other substitutes, such as mangold wurtzel and chicory, they could be used with advantage to the brewer?—No, we could not use mangold wurtzel even if malt were 10 *l.* a quarter.

3555. Could you even use it for porter?—We could not use it for our porter.

3556. Do you use any sugar in your brewing?—None.

3557. Then you confine your operations to pure malt and hops?—We do.

3558. At present you can use both malt and sugar, paying a duty upon the sugar; and you cannot use mangold wurtzel and other substitutes; supposing the malt tax repealed, and a brewer's license imposed, should you think it a hardship that you should still be restricted to using malt and sugar?—No, certainly not.

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3559. Sir *Edward M. Buller.*] I think you stated that you calculated the expense of converting a quarter of malt into beer at 44 *s.*?—Yes; converting it into beer, and delivering it to the customers.

3560. What would you say is the average price of the malt that you use for the purpose of mild ale?—We use mainly one kind of malt; the very best that we can get. I think the average price of it, last year, was about 76 *s.* a quarter.

3561. Then what quantity of hops would you use for a quarter of malt?—We use quantities varying from 8 lbs. to 28 lbs.

3562. What would you use for the mild ale?—That would depend upon what it was required for, and for how long it had to be kept; the minimum quantity would probably be 8 lbs. or 10 lbs.

3563. What price would you put your hops at?—From 1 *s.* 6 *d.* to 2 *s.* a pound last year.

3564. And the expense of hops would be about 12 *s.*; you said about 8 lbs. or 10 lbs. of hops would be necessary for brewing a quarter of malt?—Yes; 10 lbs. at 1 *s.* 6 *d.* would be 15 *s.*

3565. The expense of brewing a quarter of malt would be 44 *s.*, and you sell the beer at 32 *s.* per barrel; you get 6 *l.* 15 *s.*?—Yes, that would be about the average.

3566. Now, I am talking of that beer that you nominally sell for 36 *s.*, and by which you clear 32 *s.*?—Of that beer, namely, X ale, we get about three barrels and three quarters from a quarter of malt; we calculated the profit of that beer at about 2 *s.* 6 *d.* a barrel last year.

3567. Or 10 *s.* on a quarter of malt?—Or about 10 *s.* on a quarter of malt.

3568. Now I have taken your figures, and I now ask you to correct them; malt, 76 *s.*; hops, 15 *s.*; expenses, 30 *s.*; and I get a total of 121 *s.*?—Yes, that is so.

3569. Supposing it is 3½ barrels, it will then come out that the expenses of brewing this quality of beer are 34 *s.*?—That is only an assumption; it is not a certainty.

3570. This beer you sell at about 32 *s.*, and that would be a very profitable trade?—That beer will be about 33 *s.*

3571. According to your statement, 34 *s.* is the expense of brewing a quarter of malt into that sort of beer?—If you take that beer *per se* it may be so, or, probably, not more than 30 *s.*

3572. That is sold at 32 *s.* or 33 *s.* a barrel?—It is sold at about 34 *s.* nett.

3573. According to your statement, your expenses are placed a great deal too high?—What is the result of your calculation?

3574. That the expense of brewing this beer is 34 *s.* a barrel, and that you sell it, at the utmost, at 33 *s.*?—The expense of brewing the X ale sold to country public-houses connected with the Romford Brewery, calculated *per se*, would not exceed 30 *s.* a quarter. The malt used for it last year cost 75 *s.* a quarter, and the hops 12 *s.*, making a total of 5 *l.* 17 *s.*; the produce was 3¾ barrels at 34 *s.* ber barrel, = 6 *l.* 7 *s.* 6 *d.*

3575. Mr. *Ayrton.*] That gives you a profit of 2 *s.* 6 *d.* upon a quarter of malt?—A profit of 2 *s.* 6 *d.* per barrel, or 10 *s.* a quarter.

3576. Sir *Edward M. Buller.*] Could you divide these expenses, and tell us what they consist of; they seem to be very large?—They consist of labour, horse keep, and cartage, and various other expenses, which I cannot pretend to recollect at this moment.

3577. Mr. *Read.*] Does it include interest capital?—No, not interest on capital.

3578. Sir *Edward M. Buller.*] Do you materially reduce the expense of brewing by grain and the yeast being sold?—In this calc tion you have to take the grains into accou they will produce about 1 *s.* a quarter.

3579. And how much will the yeast produ —The yeast produces very little indeed now.

3580. Mr. *Read.*] Would the yeast be wo at the rate of 2 *d.* a quarter?—It might be wo 2 *d.* a quarter; not more.

3581. Sir *Edward M. Buller.*] Then the penses of brewing will amount to full 40 per ce upon the cost price of the malt and the hops If it is 34 *s.*, it would.

3582. That is brewing, sale, and delivery Yes; and salaries and wages, which form a ve large expense.

3583. What should you say to a brewer or small scale, who told you that the expenses brewing could be put down as nothing, it bei paid by the grains and other things?—I shou say he knew nothing about it.

3584. Supposing he tells you that as to pla it costs very little; that if he divides it among the beer he brews, it costs very little, and th the labour is only for a man to sit up with t fire once or twice in the course of the brewin and that he can brew beer without any expens could you believe him?—I should say that he a very fortunate individual.

3585. You say that you get three or four ba rels of beer from this quarter of malt; of cour you get a greater quantity of beer from t best malt?—Not a greater quantity than fo barrels.

3586. I suppose you test your beer, so as ascertain the strength of it?—We frequently so.

3587. You do not make a practice of brewi so much beer from a certain quantity of ma but you brew your beer up to a certain strengt —Up to a certain specific gravity.

3588. With as little malt as you can use f that purpose?—With as little malt as we can u for that purpose.

3589. Supposing you brew from malt at 63 and from malt at 76 *s.*, you would expect to g more beer in proportion from the 76 *s.* malt th you would from the 63 *s.* malt?—You would e pect to get more.

3590. And you would get more?—Yes.

3591. So that the difference of price betwe the superior malt and the inferior malt would more than compensated for?—I do not see tha I do not see that it follows because you pay 76 instead of 63 *s.*, you get all that difference produce.

3592. If you are a good judge of malt, yo would surely do so?—I do not think it follows.

3593. Surely you would not give 76 *s.* inste of 63 *s.* unless you could get a correspondi quantity of saccharine matter?—There are oth qualities besides mere weight; there are flavou colour, and soundness; all those things have be considered as well as the productive quali of the malt.

3594. Still the soundness and the quality wou not affect you in your brewing, because the on thing you look at in brewing your beer is t strength?—That is not the only thing, nor is the most important thing; quality and soundne are of more importance than even the strength.

3595. M

5. Mr. *Ayrton.*] When you say mere
th, do you mean saccharine strength ac-
ıg to the test of the Excise ?—Yes.

6. Sir *Edward M. Buller.*] You use only
ıle and black malt, and not the brown ?—
ave used brown malt, but at this particular
we are not using it.

7. What is the general average difference
en the pale malt and the black malt ?—The
malt is simply pale malt burnt to state of
ness; it produces very little beyond colour.

8. Is it as dear as the pale malt ?—Some-
it is even dearer; but it is rather cheaper
ally.

9. But generally, is it not the fact that you
ıake black malt out of malt that would not
eable as pale malt ?—I think that is very
le, but I cannot speak from my own know-

0. Is it not, generally speaking, the case,
lack malt is cheaper than the pale malt ?—
ıot good black malt; it varies very much in
y.

1. We have had it in evidence that the
malt is considerably cheaper, as much as
r 6 *s.* a quarter ?—At this particular time it
ut in my experience black malt has been
as dear as the best pale malt.

2. Major *Parker.*] When you purchase the
do you ascertain whether it is made from
sh or foreign barley ?—Yes, we ascertain
that knowledge can be obtained from the
ırance of the malt.

3. Which do you give the preference to;
made from the English barley, or malt made
foreign barley ?—Supposing the English
y to be in first-rate condition, I prefer Eng-
arley. I think first-rate English barley is
r than first-rate foreign barley.

4. Supposing both are of the same quality
ppearance, would you give the preference
ıglish over foreign ?—They never would be
ly the same in appearance.

5. Do you think one has more saccharine
er in it than the other ?—As a general rule,
nk the English barley does contain more
arine matter than foreign barley; but in
years it is not so. In one year (I forget
n) we brewed nearly entirely with foreign
y, because the English barley was not fit
ur purpose.

06. Was it spoilt by the weather on the oc-
n of which you speak ?—Yes, on that occa-
it was.

07. Mr. *Henry Surtees.*] Does malt made
other grain than barley make good beer ?—
e not tried it; it will make a kind of beer;
t would not make the kind of beer suitable
ur trade, therefore we do not try it.

08. You do not know whether it is used at
for brewing or not ?—I believe it is. I
give you no certain information about it.

09. Do you know anything of the malt
h is made abroad ?—There is not much malt
abroad for exporting; there is a prohibitive
upon the importation of it into this country.

10. As to the quality of foreign-made malt,
may be made abroad, may it not ?—I should
that the foreign-made malt, judging from
beer I had which was made at Munich, and
r parts of the continent, must make very
beer.

11. Do you know anything of foreign brew-
—I cannot say that I do.

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3612. Mr. *Read.*] Have you travelled in Germany at all ?—Very little.

3613. You said just now that you have tasted the beer ?—At Munich I have.

3614. Is it not at Munich that you can get a good large glass of beer for 1 *d.* ?—I think I paid more than that.

3615. In some parts of Germany, cannot you get a good glass of beer for a 1 *d.* ?—I should think so.

3616. The same beer would cost here in London 3 *d.*, or more ?—No; I think the same glass of beer, at an ordinary public-house, would not cost more than 1 *d.* or 1½ *d.* at the outside.

3617. Do you think that if beer was much cheaper than it is, drunkenness would increase ?—It possibly might, if beer were much cheaper; beer is an intoxicating beverage.

3618. We find in foreign parts, where wine is so very cheap, that the people are not more addicted to intemperance than they are here; what is your opinion of that ?—My opinion is, that the people in foreign parts are not more addicted to intemperance than Englishmen.

3619. Does the price of your beer depend upon the price of malt and hops in any way ?—In some degree.

3620. Would you raise it and lower it according to the price of malt and hops ?—We have done so.

3621. What was the effect to yourselves; have you found that raising the price of your beer curtailed your trade in any measure ?—To a certain extent it did; not to a great extent.

3622. Have you reduced the price of your beer this year ?—We have.

3623. In consequence of the reduction of the price of malt and hops ?—In consequence of some reduction in the price of malt and hops.

3624. Why do brewers go to Burton so generally; is it on account of the quality of the water ?—The water of Burton is very good for brewing, but Burton has a brand; it is more easy to sell beer as Burton beer than it would be to sell it as Lincolnshire beer. It is what is termed a good brand.

3625. Then that good brand has more to do with it than the good quality of the water ?—I should say it had.

3626. Do you buy your malt of malt factors in London, or countrymen generally ?—We buy in London, and in the country also.

3627. With regard to the prepayment of your license; you do not actually prepay the money, although the amount is calculated on the previous year's consumption, do you ?—We actually prepay it by six months, as the hop duty was prepaid; when the crop was gathered in, the duty was paid.

3628. Do you know anything about the quality of barley; does it depend upon its weight ?—Not entirely.

3629. If the malt tax were repealed, do you consider that you would use the foreign barleys in preference to the very first-class English barleys ?—Certainly not.

3630. Do you think there would be a greater or less demand for the best qualities of barley without the malt tax ?—There would probably be a greater demand for the best barleys.

3631. If there was a greater demand, would not the price be likely to suffer ?—I do not think the price would suffer materially. The repeal of the duty would not diminish the price of barley.

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3632. Not even the best classes?—I do not think it would.

3633. The best varieties being rather limited in extent, and greatly in demand, would still continue to be sold at a superior price?—I think so.

3634. You were good enough to give us an idea of the profits of last year and the year previous. You have some idea as to the profits of this year; I suppose your malt is principally bought?—I have some idea of it; I think the profit of this year will be somewhere about the same as the profits of last year. Malt and hops are lower in price, but we charge less for our beer this year; of course I speak only of our own concern.

3635. Then it would be what you term a bad year?—An average year; perhaps a little under the average.

3636. Mr. *Hardcastle.*] In your experience of the saccharine value of malt, what difference exists between the best and the worst qualities, taking the Dring and Fage standard?—Taking a series of years, there must be a difference of 15 lbs.

3637. Ranging from what?—Ranging from 75 lbs. to 93 lbs., perhaps 18 lbs. difference; that would be in the extract from a quarter of malt. The extract from a quarter of malt, as shown by Dring and Fage's saccharometer, an accepted standard, is simply the difference between the weight of sugar in solution, and the water displaced by it.

3638. As to the value of malt, does it depend entirely upon the pounds generally, or does it to a certain extent depend also upon flavour and colour?—It is also dependent upon flavour, colour, and soundness.

3639. Soundness of course is indispensable?—Soundness is indispensable.

3640. And in your specialty colour is also indispensable?—Yes.

3641. And flavour also?—Yes, flavour is also indispensable.

3642. Can the best barleys generally be depended on to produce the best quality of malt, as respects flavour, colour, and soundness, as well as heavy weight?—Yes, as a general rule there is a correspondence between the produce and those other qualities.

3643. In the inferior qualities you sometimes get flavour, colour, and soundness, but not with the certainty that you do in the superior barley?—You sometimes in light barley get flavour and colour.

3444. But not an equal quantity of saccharine?—No.

3645. Light barley is a barley in which there is a greater proportion of husk to kernel, than heavier barley?—Yes, a greater proportion of husk to kernel.

3646. Sir *Edward M. Buller.*] What do you mean by soundness of malt?—Malt that will make beer that will keep and not turn sour.

3647. Can you tell me what is the difference in malt; if you saw two samples of malt, how could you pronounce one to be sound, and the other to be unsound?—It is exceedingly difficult to tell from observation or tasting. You can tell by chemical analysis of it, to which we invariably have recourse.

3648. Mr. *Dent.*] I understand that your business at Romford is for the purpose of serving private customers very much?—Mainly.

3649. Do you supply private customers on a small scale?—Yes, in London, and in fact where.

3650. Do you supply the country distri all; farmers and that class of tradespeopl We do in our own immediate neighbourh but our country trade is done chiefly thr agents to whom we sell in large quantities.

3651. You cannot say how far your bu has supplanted private brewing?—No; I ca say that positively.

3652. Do you find the malt tax at all injuriously on your business?—I do not thi does injuriously; of course it absorbs a little capital than would be necessary if the tax taken off.

3653. Supposing the malt tax to be repl by a brewer's license, which has to be paid be you commence the operation of brewing, I not see how that would be any advantage to y —No.

3654. In fact, should you consider that would require more capital if you pay brewer's license before you commence brewi —If we paid it in that manner, we should quire more capital.

3655. Supposing the brewer's license was replace the malt tax, to be paid as the pre malt tax is, how do you think it would work The Government would come to us in Octo for about 50,000 *l.*; we should have to kee large balance in readiness.

3656. That would be more oppressive in its cidents than the present malt tax, would it n —Yes.

3657. And there must necessarily be a sim license on all private brewing?—Necessarily.

3658. That would involve the Excise int ference in ever private house where brewing carried on?—I presume so.

3659. There has been a suggestion made returns might be made; that the private brew might compound for the quantity they inten to brew?—As a matter of opinion, I do not th it would be feasible; it would be open to abu

3660. If the malt tax were taken off, do think there would be much more private br ing, and that private brewing would be consi ably extended?—I do not think it would much extended.

3661. Supposing it to be so, it would req a still larger force to collect the duty than required at present?—That is obvious if it w extended.

3662. And therefore it would be a much m expensive tax in collection than the pre malt duty is?—I should think so.

3663. Do you see any way in which the m duty has a tendency to increase the adulterat of beer in the hands of the retailer of beer No, I do not see that.

3664. It has been put forward by malts that if the malt tax were repealed we sho have a purer article sold?—That is to say, w the malt tax the publican pays 6 *s.* a barrel m than without it, and there would be just additional amount of inducement to adulterate might be so.

3665. But if he had to pay the 5 *s.* or 6 *s.* d as a beer tax, there would still be the sa motives for adulteration, would there not?—Y it would be merely a transfer, paying with left hand instead of the right.

3666. The general tendency is to buy of public brewer now rather than the priv brew er; do you find your business extend gst private individuals?—Yes.

67. You have not found that in years when was cheap there has been any greater ten- to brew amongst private individuals?—We not found it so, to judge from our own

38. In speaking of the license duty, you t would not be unfair on three conditions; hird condition was that you should retain dvantage of malting by weight?—Yes; ve should not pay indiscriminately upon all alike, and without reference to weight.

39. That is supposing the new brewer's e were to be levied on the quantity of malt ed, and not on the quantity of the barrels of —Yes; I assume that supposing it to be the quantity of malt brewed; of course we t wish to lose any advantage which we now

0. If the duty were put upon the quantity lt brewed, and not upon the quantity of brewed, it would be rather shifting the duty the maltster to the brewer?—Clearly.

1. Do you see the advantage of it?—Not public.

2. *Chairman.*] I think you said that if a e duty was placed upon brewers you would to pay in the month of October 50,000 *l.*? t were made analogous to the hop license.

3. When do you pay for your malt?—We r our malt a certain time after we brew it.

4. Take the October brewing, when do pay that?—Four months afterwards; if we efore we receive a discount.

5. You pay then plus the malt tax?—Yes.

6. You would then pay minus the malt the malt tax were repealed, and the brewer's e placed on?—We should pay for the malt, s the malt tax.

7. If you paid for the malt, minus the malt it certainly would not require any such amount of capital to pay for the brewer's e, would it?—Not if it were paid according quantity brewed.

8. It would be paid now twice a-year?— it is now paid twice a-year.

9. How often do you now pay for your —It depends upon how we buy it; we do uy it just as we require it for brewing.

30. You buy it before?—Yes; sometimes.

31. Even supposing the harshest interpreta- f the law were placed upon it, and the new nade, and you pay the license in the same as it is now paid, it would not be more us than it is at present, paying the duty?— uld be more onerous if it were levied in the way as the hop license is, because it is a yment.

32. It is a prepayment each six months? s.

33. But you see no reason why prepayment d be made?—I do not.

34. Supposing that prepayment were not ?—Then that objection vanishes.

35. As to the malt tax, that objection is away with by the present system of malt t, is it not; the present system of malt cre- the maltster extends for six weeks after the is made?—He pays for it after it is made.

86. And if you paid a brewer's license upon eer after it was made, or upon the malt after had paid for it to the maltster, it would er require more capital nor would it be more onerous to you than the present malt tax?—No, not in that case.

3687. Do you think that you can brew as cheap as a private brewer?—The actual brewing, yes; but, making allowance for waste and failure by the private brewers, I think we could brew more cheaply.

3688. We have it in evidence that very good beer could be brewed for 9 *d.* a gallon; is that your view of the matter?—Yes; good beer could be brewed for 9 *d.* a gallon. Not strong beer; it would be weak beer.

3689. Do you think that the tendency through the country is to the increase or decrease of private brewing?—I really do not know.

3690. Do many cottagers brew in your neighbourhood?—I do not know that many cottagers brew in our neighbourhood.

3691. But supposing, as I said before, that a brewer's license was fairly raised upon all parties, you see no objection to that?—No; if it were fairly raised, and not augmented in any way.

3692. Sir *Edward M. Buller.*] Do you know how many public-houses and beer-shops there are in Romford?—I really cannot tell you.

3693. How many do you supply?—I think we supply half-a-dozen in Romford.

3694. Only half-a-dozen?—We supply private houses chiefly.

3695. How do the rest of the public-houses get supplied?—There are two of Charrington's houses there, and Barclay has a house there, and the Hornchurch Brewery has houses there.

3696. Do any of the publicans brew their own beer?—I do not think they do in Romford.

3697. As far as you know, they are exclusively supplied by brewers?—Romford is supplied by the brewers, as far as I know.

3698. With regard to private brewing, would you not think that there is a great error in comparing private brewing with public brewing; that whereas private brewers generally brew a certain quantity of beer from a certain quantity of malt, whatever its quality may be, you always brew beer up to a certain quality; and that if you were told by a private brewer that he made his beer so much cheaper than you do, a good deal might be set down to that account?—It might; he would get the quantity without reference to the quality.

3699. Do you know that to be the fact?—I suspect it to be the fact; I do not know it.

3700. There would be a considerable degree of margin there?—I should think so.

3701. And on the whole you would say that you deliver the beer much more uniform in quality than can be obtained by the private brewer?—Undoubtedly, much more uniform.

3702. When the duty on malt is taken by weight, is it upon the dried malt?—No, upon the barley; I believe that the standard is 53 lbs. a bushel; the actual weight of the barley, supposing it to be 50 lbs. a bushel, more or less, is multiplied by the number of bushels in a quarter, and divided by the standard.

3703. It is taken upon the barley before it is wetted?—Yes.

3704. Mr. *Henry Surtees.*] Do your brewings ever turn out failures?—Sometimes; not very frequently.

3705. Did you say that the payment of beer duty which you make in October, is for the beer which it is supposed you will make during the next six months?—Yes, for the beer it is assumed

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assumed we shall make during the next six months; we may make more or less.

3706. You actually pay the beer duty six months before the whole of it is made?—Yes.

3707. Mr. *Read.*] How long, on the average, do you think the malt duty is now paid before you use the malt for brewing; is it three months?—No; on the average I should hardly think it is so long as three months. There is a great deal of malt brewed long before the duty is paid upon it.

3708. Do you ever brew the malt before the duty is paid upon it?—It is impossible for me to tell, because we do not make malt; we merely buy it; therefore, we know nothing of how the duty is paid.

3709. Which do you think is the best policy, to impose a tax upon an article in the first or the last stage of its manufacture?—I should think the first stage probably.

3710. Who would be profited by the early imposition of this tax; would it be those engaged in the manufacture of the article, the persons who produce the raw material, or the public who consumed it?—I do not think it would make much difference either to the manufacturer or the consumer.

3711. Take the case of hops; do you think the brewer paying license in lieu of the hop duty is not a very great advantage to the producer?—I can scarcely say. I cannot pretend to give an opinion about that.

3712. You do not happen to know that since the repeal of the hop duty, the price of hops has been higher than it was before?—That was the immediate result of the repeal of duty; but there seems to be a little reaction now.

3713. The immediate effect of the repeal of the duty you think, is to give the duty to the producer?—You partially give it to him at first, but that is not the ultimate effect.

3714. What do you call the ultimate effect; who gets the benefit?—The public ultimately get the benefit.

3715. If the malt duty were converted into a beer license, there would be no necessity for the staff of excisemen who are now employed inspecting malting?—I cannot say; that is an Excise question.

3716. If there were no malt duty, in what respect would they be wanted?—I suppose there would be an inspection of the breweries.

3717. I talk of the maltings; if the malt tax were abolished altogether, and converted into a beer license, what necessity would there be for the close inspection of the malthouses, which is now general?—There would not be the same necessity for the inspection of malthouses.

3718. And the maltster would be practically free from the inspection of the exciseman?—Clearly.

3719. Therefore those persons now so employed would probably be employed in looking after private brewers?—Yes, all brewers, I suppose.

3720. At the present time you are looked after by the exciseman?—Yes; but there would then be more rigid inspection, and a greater number of hands would be necessary.

3721. Mr. *Hardcastle.*] At the present time you are looked after by the Excise?—We are.

3722. Is not that done in order to check the amount of malt duty, by ascertaining how much is brewed by public brewers, and also to ascertain in an indirect way the amount of malt tha is used?—Yes, I think that is one object.

3723. Supposing the malt tax were repeale and the brewer's license substituted in any shap would it not be still necessary to inspect malt houses to check the beer duty?—I do not thin it would be necessary.

3724. Do not you think, as the Excise no consider it necessary to check the malt duty b inspecting brewhouses, they would then consider i necessary to check the beer license by inspectin the malthouses?—They might, but I do not thin it would be necessary.

3725. Something has been said about privat brewers brewing good beer at rather low prices do you think that any private brewer actuall knows the strength of the beer he brews?—No I think they brew by rule of thumb, ver much.

3726. Is it your opinion that you can brew a given quantity as cheaply as the private brewe —I suppose a given quantity we can.

3727. You get more out of it than the privat brewer?—Yes.

3728. There would be greater economy in malt and labour?—Yes.

3729. You buy your malt cheaper?—We do.

3730. There is a greater division of labour, which ensures economy?—There is.

3731. And therefore on those grounds you consider that you can brew as cheaply, or more cheaply, than any private brewer?—I think we can brew more cheaply than any private brewer.

3732. As to the price of hops since the repeal of the duty; have not the seasons a great deal to do with that?—They may have had; it is very difficult to determine that question; they have been dearer, but that may not be attributable t the transfer of the duty.

3733. Sir *Edward M. Buller.*] Do you prefer using fresh malt, or malt that has been kept some little time in your brewery?—I prefer using malt that has been kept a little time.

3734. What length of time?—A month.

3735. It improves by being kept about a month?—It does.

3736. Does it deteriorate after that?—I do not think it does if it is well kept; if it is kept in the dust I do not think it changes in a year.

3737. Major *Parker.*] Do you mean to say that private brewers do not know the quality of the beer they brew and drink?—I should say that they do not.

3738. Do you really mean that?—I do. Speaking of them as a body of brewers, there may be individual brilliant exceptions, but as a body I should say that the private brewers do not know anything about the quality of the beer they brew.

3739. Do you think that private bakers, who bake their bread at home, know the quality of bread they make?—It is not at all an analogous case. Whenever I have happened to come across beer brewed by a private brewer, I have always found it detestably bad, and I have been always assured that it was wonderfully good; that is how I have come to the conclusion I have expressed.

3740. Do you think that private baking is bad?—I must admit that the same rule applies to private baking; I think home-made bread is always detestable.

Mr. Richard Moss, called in; and Examined.

1. *Chairman.*] You live at 12, King Wil- treet, in the City of London ?—I do.

2. You are a Brewery Valuer and Account- -I am.

3. You are also agent for the sale of brew- —Yes.

4. Are you also the proprietor of a brewery nchester ?—I am part proprietor.

5. Will you tell us how many quarters of you use in the brewery at Winchester ?— thing between 3,000 and 4,000 quarters.

6. I suppose your trade is principally local? nost entirely local; within 15 miles perhaps.

7. Do you supply beer houses in Win- r ?—Both in Winchester and elsewhere.

8. And the public-houses as well ?—Yes.

9. Do you supply any private families ?— few indeed.

0. What class of beer do you brew at Win- r ?—The ordinary public-house beer sold blicans, at 4*d.* and 6*d.* per pot.

1. What do you sell the beer to them at? rty-six shillings and 54*s.* a barrel; that is , 1*s.* and 1*s.* 6*d.* a gallon.

2. Do they get any discount upon that ?— ive them a discount.

3. What discount do you give them ?— of them 2½ per cent., some 5 per cent., and 10 per cent.

4. According to the time they take to pay? t exactly; if the house belongs to our firm llow them 2½ per cent.; if the house is a ouse entirely we allow them 10 per cent.

5. Do you think that much adulteration place in the houses you supply with beer? ould think none at all.

6. We have heard a great deal about the f beer of that kind; I do not wish to press you that point, but is your profit about 2*s.* 6*d.* rel ?—I am an agent for the sale of brew- and I am also an accountant; and I have in ands the accounts, perhaps, of 30 different eries in different parts of the kingdom; fore, if you will permit me I would rather er that question generally.

57. You said you were an agent for the sale eweries ?—Yes.

58. What are the terms upon which the eries are usually sold?—In the majority of , simply for the value of the property, in the way as you would sell a house of furni- It is in very rare exceptions where any will is obtained; it is considered a sufficient will to take the whole at a valuation.

59. What is the average profit upon the al employed in the brewing business ?— paying interest on capital at five per cent., verage profit would be five per cent., making er cent. upon the whole.

60. That is about the usual profit to the er ?—It is; it varies; some years it is eight ent., and some years 12½ per cent., but the ge throughout the kingdom is 10 per cent.

61. What do you find to be the expenses of ountry brewer for the quarter of malt he s ?—From 35*s.* to 55*s.* a quarter; you might y take the average at 45*s.* a quarter.

62. What does it include ?—It includes ar, horse keep, wear and tear of machinery, t and premises, discount allowed to customers, s and brewers' wages, insurance of property, repair of houses, bungs, finings, fuel, and generally the whole expense.

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3763. And interest on capital ?—Yes.

3764. And coals also ?—Coals as well, after deducting the produce of the yeast and grains.

3765. What do you think is the effect of the present malt duty upon the price of beer to the consumer ?—Upon the average of beer sold at the ordinary breweries, it is about 2*d.* a gallon, or a halfpenny a pot; being equal to about 12½ per cent. of the price charged to the publican for the beer.

3766 Supposing the malt tax were repealed, what do you think would be the difference in the price of beer to the consumer ?—None at all; I do not think the consumer would get any benefit from the abolition of the duty, beyond an improved quality of beer; stronger beer; I do not see how the retailer could charge a less price in consequence of the small deduction it would make in the price; it is only a halfpenny a pot.

3767. Yet he would make stronger and better beer ?—The brewer would make it stronger.

3768. And that would be more expensive to him ?—It would cost the brewer more to make it minus the duty.

3769. And consequently if the brewer chose to make it the same strength as he is making now, he could afford to sell his article at a cheaper rate ?—The brewer could sell it at a cheaper rate, but the retailer could not.

3770. Why could not the retailer sell it at a cheaper rate ?—Because it is sold out in such small quantities, that the duty would not tell upon the small quantity sold. The majority of customers in country public-houses have half-a-pint of beer at a time, and the duty upon that would be half-a-farthing; it would be impossible to reduce the price of half-a-pint of beer, which is 1*d.* now.

3771. The ordinary country beer is 1*d.* ?—The greatest quantity of beer sold in the country, and throughout the kingdom, is 4*d.* a pot.

3772. Then you think, as far as your opinion goes, that it would make little or no difference to the consumer ?—Excepting in quality.

3773. You think the quality would be much better ?—Competition would compel the brewers to brew it better.

3774. So far as the quality goes, the consumer and the public would be benefited ?—They would be benefited.

3775. What effect do you think the abolition of the malt tax would have upon the price of barley ?—I think that in all probability for a few years it would have the same effect as the abolition of the hop duty; that is, that the price of hops remained the same after the duty was taken off, and that the brewer had to pay a duty in addition to what he paid before; but it has brought so large a surface of land into cultivation abroad, and increased it so in England, that hops are now sold cheaper than ever I knew them in my 30 years' experience. Hops which came in at the beginning of the year from 10*l.* to 15*l.* per cwt., are now selling at from 3*l.* to 4*l.*, in consequence of the large importation of foreign hops. I think the same thing would occur as regards barley; if the duty were taken off malt, I believe it would bring a very large quantity of barley into use for malting

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malting purposes, which now it does not pay to malt, in consequence of the high duty.

3776. If it brought in a very large extra supply, of course there would be more beer made?—Yes, there would be more required to make the stronger beer.

3777. Do you think there would be a greater consumption of beer?—I am not prepared to answer that question. The beer would be stronger, and probably men would not take so much of it.

3778. The effect of the abolition of the hop duty upon the hop grower has been to bring in a great quantity of foreign hops into this country, and deteriorate the price of the English hops?—The price of hops would have been this season 25 *l.* per cwt., which hops are to be bought now at 4 *l.* or 5 *l.* per cwt.

3779. Where do the foreign hops come from?—From Bavaria and Germany.

3780. They have always been able to grow good hops?—Yes, ever since the duty has been removed, they have found out how profitably they could grow them; but there was a large import duty upon them.

3781. There are but one or two places abroad where you can get first-class barley from?—I am not aware of that.

3782. Do you know anything of the growth of foreign barley?—Not at all.

3783. We have it in evidence that even if the malt tax were repealed, the English barley would always command the highest price in the market?—I should think it is likely.

3784. In this country we can grow a better class of barley than can be grown on the continent?—If you have an importation of foreign barley, it would take the place of the barley now used for other purposes; for distilling, for instance, it would replace a large amount of the inferior barley now used for other purposes.

3785. That is only a matter of opinion?—Just so.

3786. Can good beer be made from stained barley; that is, barley injured by wet?—It could be used for beer which is required for immediate use; but there is a greater tendency to acidity; it is very seldom used, owing to the high duty that there is now upon barley.

3787. If the malt tax were repealed, that barley would be made use of?—By certain brewers it would be.

3788. Is brewing a simple process; can any labouring man readily brew?—Brewing is entirely a chemical operation; it is affected by seasons. At certain seasons of the year you only brew a certain kind of beer; it is affected by the locality where the brewery is situated, and it is affected by the weather; and to brew good beer you must be in a position similar to that of Burton, which is in the centre of England, with an equable temperature, where you can calculate your fermentations regularly. There is a large amount of sulphate of lime in the Burton water which has a keeping property. A labouring man cannot brew with that accuracy, and give that attention to small quantities which is required.

3789. You know that a labouring man's consumption is immediate?—Yes.

3790. And he would only brew the beer he wants; he would not keep it?—Beer improperly brewed would not keep a week.

3791. We know that beer that is not brewed will not keep very long?—We find much of our
beer does not keep a week, even brewed with
the science that we can bring to bear upon it.

3792. How does the ordinary brewer esti
the relative value of different sorts of barley
The ordinary brewer would estimate it by
amount of soundness in the malt, and the quan
of saccharine matter he would be likely to get
of it.

3793. I do not speak of the barley, but of
malt?—Most country brewers are malts
also.

3794. Do you malt your own barley?—A
small portion of it. The maltster judges f
the sample of barley what kind of malt it
produce, and the quantity of saccharine matte
is likely to get out of it; that is, therefore, rat
his criterion of the value of the barley than a
thing else. Brightness and colour is more pa
cularly useful for pale ales.

3795. Do you think that the ordinary class
barley makes very good beer?—The ordinary
of barley does make very good beer.

3796. Is the present mode of assessing
brewer's license at all oppressive, and does
affect the process of brewing in any way?—
it does not. There are some hardships about
The brewer is obliged to give 24 hours' notice
his intention to brew; if he should fail to
that, he is liable to a heavy penalty. It is
often forgotten; it is not designedly so, but i
often forgotten by accident. A Member of y
Honourable House is a large brewer in the co
try, and I know he was fined very heavily a sh
time since: it was no fault of his. A brewer
make the entry 24 hours before he intends to
gin to brew, and yet he may not be able to bre
but he is still charged with the duty, because
entry is made whether he brews or not. Tha
the only objection that I can see to it.

3797. That would continue, supposing the m
tax is continued?—Yes.

3798. Therefore the increase of duty as a
cense duty would not in any way affect it
No.

3799. You think, on the whole, a brewe
license, if it could be fairly collected, would
be an unfair tax in lieu of the present malt dut
—I think it would be very objectionable, sim
because, if you are to put a license duty of
much a quarter upon the malt brewed, it wo
follow that the duty would be the same up
malt yielding 75 lbs. gravity as upon malt yiel
ing 93 lbs. gravity.

3800. That, of course, would be matter for
Government to consider; but, taking it in
ordinary point of view, if the duty could be fair
levied, would a license duty be an unfair duty
put upon the brewer instead of the present m
tax?—I think it would be very oppressive up
the small brewer; it depends upon how it is
be collected. Very many of the small brewe
wet now from 600 to 2,000 quarters a-year, a
they get large credit from the maltsters. Wh
a bill becomes due at three or four months, th
get it renewed; but if the Government say,
shall pay so much a quarter in advance, the m
could not carry on their business.

3801. You see no necessity why a brewe
license should be paid in advance, do you?—I
this difficulty: if the small brewer cannot pay t
money in advance, in all probability his credit
not so good, and the Government, getting
profit out of the malt trade, would not like
run the risk of giving credit; and he must g

bon

s for the safe payment of the duty. It is a ult thing to get a bond for a comparatively man. There are many hundreds of brewers country whose capital would not exceed 2,000 *l.* to 5,000 *l.*, and for that class of man uld be difficult to trust him for so much as uty would come to.

2. But he has to pay the duty now in the of the malt duty?—That is paid to the ter four months after he has used the malt.

03. There is no reason why a brewer's se should not be paid for six months after s used the malt?—No, excepting as to the ity which the Government would have for ayment of the duty. The maltster, in the e of his business, runs a risk, and gets a upon his malt to cover the risk. I think ffect of that would be to very materially e the number of brewers. The business l get into the hands of men of large capital; e not the smallest doubt of it.

04. Mr. *Dent.*] That is because the Govern- dare not give credit to the smaller men?—

05. *Chairman.*] Government do trust the maltsters?—They have to provide a bond.

06. Why should not the brewers provide s?—I think that one of the reasons why the ber of maltsters has decreased in the country difficulty of paying the duty; we know, as ers in the country, that maltsters frequently to us and offer 40 or 50 quarters of malt at price we like to give, because the day for g the duty is coming on, and they must find ash.

07. Supposing a license of 5 *s.* were now sed, and there was a sufficient surplus to e that license to 4 *s.*, would not that be of ntage to the brewer?—If he could get his se a shilling a quarter cheaper it would be a fit to him.

08. Would not that be of advantage to the ic?—Eventually, because competition would ove the quality of the beer up to 1 *s.*; but so small an amount that it is hardly appre- e.

09. Do you think there is much adulteration e beer by the brewers?—I think there is little indeed.

10. What are the penalties for having any tance on your premises besides malt and r?—£. 100 or 200 *l.*; I do not know the unt, but there are very heavy penalties.

11. Do you think beer can be made from gold wurtzel?—I should not like to try the riment. I think when Mr. Pryor was asked question, he might have meant, probably, it might be used to brew porter from; and it must be saccharised by some process or r.

12. You think there is nothing that can e beer as well as malt and hops?—Not any- g.

13. Sir *Edward M. Buller.*] You stated that allowed different rates of discount; 2½, 5, 10 per cent.; the 2½ per cent. is allowed to own public-houses?—Yes.

14. In what class of houses is the 5 per cent. ved?—Houses, perhaps, upon which we have n; we lend a man, perhaps, 200 *l.* or 300 *l.*, the house may belong to him, and we allow a medium discount.

15. The 10 per cent. houses are all those are quite free?—Yes, because we have no expense for the repairs of the house, or even for insurance; the money comes back free from the liabilities which our own houses have.

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3816. What proportion of the public-houses in Winchester are under your control, either by being your property, or from having received loans from you?—I cannot say how many there may be; perhaps 10 or 12 in the town.

3817. They are under your control, more or less?—They are.

3818. How many independent houses are there?—I have not had the curiosity to inquire; there may be 100 free, but I do not know.

3819. You are the only brewer in Winchester, are you not?—I believe there are 19 breweries within 10 miles round; that is, in Winchester and the neighbourhood.

3820. Are those public-houses exclusively supplied by you?—No.

3821. You told us that you suffer from your beer not keeping; what do you do with the beer that is a little sour?—There is nothing to be done with it but to throw it away if it is perfectly sour. The only thing it is used for is for dissolving isinglass to make finings.

3822. You do not brew it over again?—No; it is impossible.

3823. Colonel *Duncombe.*] What makes it turn sour?—The effect of the atmosphere upon the fermentation; you may have brewed in your ordinary way, but some alteration in the atmosphere, such as thunder-weather will act upon beer, and prevent it fermenting as it ought; it leaves a large quantity of the fermenting element in the beer itself, and it continues the fermentation afterwards.

3824. Does that often happen?—In July and August there are very few brewers free from it.

3825. Do you supply any private customers?—No.

3826. Is that from any rule which you have laid down?—No; it is simply because the customers do not come to us, and we do not seek them.

3827. Do the private people brew for themselves?—I do not think any in our neighbourhood brew their own beer.

3828. Not even in the country?—No; they all buy of the smaller brewers.

3829. Do you think a public brewer can brew cheaper than a private brewer?—In talking of the expenses of brewing, as 45 *s.* a quarter, I include the expenses of sale, delivery, horses, and everything; but if you ask the expense of merely brewing beer on the premises, it is a very different thing. I should think that to brew good sound keeping beer, on the average, the public brewer can brew cheaper than the private brewer, because if the beer goes off a little in the customer's cellar it is always returned and allowed for at the full price.

3830. At what price do you brew a tolerably good sample of beer?—Thirty-six shillings a barrel; 1 *s.* a gallon.

3831. You said that the average of the brewers' profits were about 10 per cent?—Yes.

3832. Has that been the case the last two years when barley has been so high?—No; there has been no rise in the price of beer. In many of the balance sheets that I have made up, I have found a loss of profits, and, in some cases, a loss beyond the interest on capital.

3833. In some breweries, there has been no profit at all during the last two years, has there?

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there?—There is an average of 10 per cent. over a series of years.

3834. How many years?—15 or 20 years.

3835. Do you buy your own barley?—My manager buys it; we malt to a small extent.

3836. Do you mix at all with the farmers in Hampshire?—I do not.

3837. Do they grow a good quality of barley in Hampshire?—It is not supposed to be a very good quality of barley.

3838. Do the farmers complain of the operation of the malt tax in Hampshire?—The farmers may; I have never heard them.

3839. Has there been a larger growth of hops in Germany since the duty was taken off?—I should think there has been a very much larger growth. We have imported up to this time 300,000 cwt. of hops.

3840. How would it be as to foreign barley if the malt tax were repealed?—I do not know. I should think it is very likely they would import as much.

3841. Major *Parker.*] You said that if the malt tax were repealed, you do not think the price of beer sold retail would be reduced?—I do not think it would; it is only 12½ per cent. now upon the beer sold to the publican.

3842. We have been told by a brewer to-day, that when he raised the price of beer 6 *s.* a barrel, the consumption of beer fell off?—That was his specialty; the Burton brewers only raised the price of their pale ales; very few other brewers raised their prices, and the result of it was that many of the country publicans went to the local brewers to ask for pale ale, and the local brewers found they could brew very tolerable pale ale that would take the place of the Burton beer; that is why their trade fell off at Burton, and they will have some difficulty in getting it up again.

3843. You do not suppose it was the price of the beer in retail being raised that led to the falling off in the consumption?—Not at all; the price by retail was not raised; but the publican assisted himself by going to the local brewer and buying a cheaper beer.

3844. You attribute the falling off in the consumption to that?—The falling off of the manufacture at Burton of that particular trade, to which Mr. Matthews referred, was greatly owing to the publicans going to other brewers instead of going to Burton.

3845. Does it not follow that if the consumption of beer falls off when the price is raised, it would be increased if the price were reduced?—The price of beer was not raised, except by the Burton brewers.

3846. Will you explain more at length why you think the reduction of the malt duty would not diminish the price of beer?—Because the malt duty now upon the retail price of beer to the consumer is but 2 *d.* per gallon; therefore it is but one half-penny per pot, or a farthing for a pint, and half-farthing for half-a-pint; and the greater quantity of beer sold at country public-houses throughout the kingdom, is sold in half-pints, therefore even if it were in pints, I do not think the duty is sufficient to justify the retailer in making any reduction in the price, but the brewer would instead raise the quality.

3847. When the duty on corn was taken off, are you aware what effect it had upon the price of bread?—No, I am not.

3848. Inasmuch as 21 *s.* 8 *d.* is the duty on a quarter of malt, if 21 *s.* 8 *d.* was the duty or quarter of corn, it would have something like t same effect upon the price of bread?—I can o say that I do not know what effect the repeal the corn laws had upon bread, but I know portion of duty of 21 *s.* 8 *d.* a quarter is so sm in its diluted form as beer, that it does not aff it to the extent that it did a quartern of bread.

3849. To what extent do you think it wou affect a penny bun for instance?—I do not kno I should simply think it would increase the si of the bun.

3850. It was considered a very objectional tax; it was even in selling the smallest porti of bread considered a very great burden up the people, and a hardship?—I have not t slightest knowledge of the fact; I know nothi of the corn trade.

3851. You do not think that the objection the malt duty would be of any benefit whatev to the lower classes?—I think the poorer class will have stronger beer for their money than th have now, but they could not get the quanti they require at a less price than they have no to pay for it.

3852. If they could get stronger beer at th same price, would it not follow that by makin the beer weaker, they would get a great quantity?—They could not have the beer, whi at its present strength is now sold at a penny f a half-pint cheaper. They could make it stronge than it is now for the money paid for it.

3853. Is it not a question for the consumers decide whether they would like stronger weaker beer, or whether they would like to bre themselves, rather than for the brewer to dicta what quality the beer shall be?—The custo throughout the kingdom is, that a man shall ha a half-pint of beer for a penny, and he wou expect it whether the duty was on or off; if had half-a-pint for a penny, it would be strong if there were no duty; if you take the duty he would not get it cheaper.

3854. Mr. *Henry Surtees.*] Are you acquaint with the maltster's business?—Not at all.

3855. You imagine that they like to make profit upon their capital?—Yes, no doubt.

3856. I suppose they make a profit on t capital employed in paying the malt duty, as w as the money for buying the barley?—I cann say that.

3857. I suppose you quite believe that t maltsters would expect to make a profit on t amount paid for duty, as well as on the amount purchase money for the barley?—A maltst would expect to make an interest on the capi he has invested; but if it were a very profitab business, I have no doubt there would be mo competitors in it.

3858. Do you know anything of malt factor —No, I cannot say that I do.

3859. They would expect to make a pro would they?—The malt factor charges 1 *s.* quarter for selling malt, I understand.

3869. Does he usually take the risk of losi the money?—I am not sure whether he does not.

3861. Did not you say something with rega to the maltster finding bonds, and that he had charge larger profits in consequence of the r that he had to run?—Yes, I did say so.

3862. Then the malt factor, the maltster, a the brewer expect a profit on the capital th have invested, not only in the malt, but in t dut

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; if a brewer buys a quarter of malt he buys
70 *s.*, or whatever it may be, including the
; if it were free of duty, and he paid 50*s.*,
ould expect his profit on the 50 *s*, the same
expects his profit on the 70 *s.* now?—I can-
ee that he will make a larger profit, because
was only 50*s.* his beer would be made
ger; he would not get a larger profit.

3. I did not ask as to profit; I asked whe-
e would expect a profit upon the capital;
has 70 *s.* employed, does not he expect a
upon the 70*s.* capital?—Yes, if it is part of
ggregate capital in his business.

4. When you say that the malt tax is only
to 12½ per cent. upon the price of the beer
ed to the publican, is not that simply the
ount of the actual tax, 21 *s.* 8 *d.*, without
into consideration the additional charges
ave arisen in consequence of the accumula-
f the profits of the maltster and the malt
?—Yes, if there are accumulated profits;
ld not include that.

5. I understand you to mean that the 12½
ent. is the proportion of the 21*s.* 8*d.*—

6. Then his profits must be added to that?
there are profits, they must be added.

7. The 12½ per cent. does not correctly re-
nt the charge upon the beer, owing to the
tax?—It is simply malt tax itself.

8. I think you spoke of the quality of the
used in distilling; can you tell me what
y of barley is used for that purpose?—No,
not; but a great deal of barley is malted for
ing purposes. I do not understand distilling
should think that the quality of barley
is used for distilling would not be used for
ng. I mean to say it would not be used
ewing with the present malt duty on.

9. Mr. *Read.*] If the malt duty were re-
d, do you think it would be used?—It would
ed.

70. Would it be increased in price?—I
d think not, for this reason, that the barley
the distillers would use would be imported.
I say that foreign barley is not so good as
ish barley for brewing, probably it is as good
stilling.

71. Why do they not use foreign barley at
resent time?—Because the English barley
aper.

72. If it is cheaper, is it better?—Yes, pro-
it is; but it would not be cheaper for
ers' purposes. It would not answer the
ers' purposes at the present time to malt
rley.

73. Do you think upon the average a quar-
malt makes about three and a half barrels
er?—Yes, I should think so, but it depends
the proportion of the different kinds of beer.
uld think about three and a half barrels of
would be about the quantity.

74. The malt tax is 2*d.* per gallon, or 12½
ent. upon the price of the beer sold to the
can, is it not?—It is.

75. In answer to Mr. Surtees, I think you
hat if the maltster has to pay the duty of
8*d.*, and the brewer has also to pay that
when he buys the malt, he would surely
e something for the risk of bad debts, and
he interest of the money. He would not
the money out of his pocket, and get no
st for it?—I presume he charges a higher
for his malt to cover the risk.

7.

3876. And the brewer charges a higher price to cover his risk?—Yes; if the brewer has to pay 70*s.* for his malt, instead of 50*s.*, he would make the beer weaker to make up for it.

3877. If there were no malt tax he would have it at 50*s.*?—Yes; that is supposing the malt tax were taxen off entirely, and not shifted on to the brewer's license.

3878. Which answers your purpose best, to give 2½ per cent. to publicans living in your houses, or 10 per cent. to publicans living in free houses?—To give 10 per cent. to the publicans living in free houses if they would deal with you regularly, but competition is so great they deal with you one week, and with somebody else another; if that were not the case, I would rather have the 10 per cent.

3879. What was the amount of import duty paid by foreigners upon hops, previous to the duty being taken off?—I know it was equivalent to the English duty at least.

3880. It was hardly more than that paid by the grower in England?—I am not prepared to say that; I do not know.

3881. Why did not they import the hops before?—I really cannot say; because the duty was only shifted; somebody pays it now. I know the hop growers thought they could compete with the foreigners, but they find that they are mistaken.

3882. Has not the high price of hops which prevailed stimulated people to grow hops; and has not the duty had nothing to do with it?—It may be so; but I cannot tell you.

3883. You agree with the last witness that the amount of saccharine in malt varies from 75 to 93?—It must be a very inferior sample that would yield only 75.

3884. What should you say it would average?—I should say it would average 85 altogether, by Dring & Fage's standard. I should scarcely have thought that barley yielding only 75 lbs. gravity in the shape of malt would be worth malting at all.

3885. Are you aware to what extent malt is made by weight instead of by measure?—I do not know to what extent.

3886. We have it in the returns that it is not more than seven per cent.?—I should think it was not more.

3887. Have you had to malt by weight?—I had this season, because the barley was very inferior.

3888. If there is a difference between 75 and 93, and only seven per cent. of malt is made by weight instead of by measure, there is 21*s.* 8*d.* to pay upon the malt yielding 75, and upon the malt yielding 93?—Quite so; I should say that the malster who malted the barley made a mistake in his calculation, or the brewer who malted it, or he would not have paid such a duty on such a quality of barley.

3889. The price of barley, within the last two years, is fully 30 per cent. more than it was four years ago?—I should have hardly thought it was as much as that, except in the high class barleys; I do not think it is so much in the ordinary run of barley for ordinary brewer purposes.

3890. Up to four years ago, barley was worth 4*s.* a bushel, and now it averages 5*s.*?—Four shillings a bushel would not be the price of malting barley, except in Norfolk.

3891. We have an average price of 4*s.* against 5*s.* four years ago, taking the whole country

R through?

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through?—It is a great many years ago since barleys were bought in the country generally at 32*s.* a quarter; certainly not since I have been a brewer.

3892. How comes it to pass that if the raw material is 25 per cent. dearer now than it was four or five years ago, that it does not answer the brewer's purpose to raise the price of beer?—Because the brewer can regulate his profits in the manufacture of the article, by increasing or decreasing the quality; and that is why he does not change the price of his beer. It is found inconvenient to interfere with the fixed price of beer; the publican does not like it.

3893. The brewer instead of altering the price alters the quality?—Exactly so.

3894. Mr. *Hardcastle.*] He is not always able to alter the quality to correspond with the price? Certainly not; otherwise the brewers would not have made a loss last season by altering the quality.

3895. He attempts to make up the loss by altering the quality as much as he can?—Yes. With reference to the price of barley in Norfolk I may say that in 1862 it fetched 36*s.* 9*d.* a quarter; in 1863 it fetched 33*s.* 6*d.*; in 1864 it fetched 31*s.* 9*d.* I should therefore consider that 1864 might have been a very exceptional year. In the previous years to those I have given, barleys ranged from 40*s.* to 45*s.* a quarter, those are prices that may be actually relied upon, at which the brewers were buying their barley.

3896. Do you know how many quartern loaves on the average are got out of a quarter of wheat?—No I do not.

3897. Supposing 90 loaves were got out of a quarter of wheat, and 21*s.* 8*d.* is taken off the price of the quarter of wheat, a quartern loaf is so large a proportion of the quarter, that there must be an alteration in the price that would make about 2½*d.* difference on a quartern loaf?—Yes.

3898. But if you make three barrels and a half of beer out of a quarter of malt, there would be somewhere about 2,000 half pints?—Yes.

3899. So that you divide one duty into 90 parts, and the other into 2,000 parts?—Yes.

3900. *Chairman.*] I think you said that they do not grow the best quality of barley in Hampshire?—Not the best quality of barley that would do for the Burton brewers.

3901. But in Hampshire, you think, they grow a very fair quality of barley?—Yes.

3902. And most of their barley is fit for malting purposes?—That I cannot say.

3903. Do you buy your barley in the neighbourhood of Winchester?—Almost all in the neighbourhood.

3904. Do you think that for your purpose it is a good class of barley?—This year it was so light that we took to malting it by weight.

3905. What was the weight of the barley?—Something under 50 lbs.

3906. Have you brewed beer from wheat?—Never.

3907. Did you hear the evidence of Mr. Pryor, that he malted two-thirds of barley and one-third of wheat, and used it for brewing; do you think that would answer your purpose?—I do not think it would answer for brewing ales, whatever it may do for brewing porter.

3908. You think there is much greater license in brewing porter than in brewing ale?—Yes. The effect of the wheat would be to alter the fermentation entirely. If a brewer were to u
wheat, he would not know what he was doi
until he had some experience in it; the ferment
tion is so different. I have known beans to l
malted and used in certain cases for ferment
tion; but the duty upon beans is enormous; a
I should expect the duty would be more up
wheat than barley.

3909. Why should the duty be more up
wheat than it is upon barley?—I know it is
upon beans. The allowances which are made l
the Excise in estimating the duty are not suf
cient; the wheat or beans swell out to such
extent that the per-centage allowed does not cov
the absorption.

3910. Do you know anything of malting oper
tions?—Very little.

3911. Are you sufficiently acquainted wit
them to know that some barleys which a
steeped will swell as much as 35 per cent
while others will only swell 18 or 20 per cent.
—I do not know enough of malting to answe
that question.

3912. That is to say, that 100 bushels of som
kinds of barley will, after they are steeped, pr
duce 110 bushels of malt; and other kinds wi
amount to 135 bushels, making a difference
13 bushels in the comb?—It is very likely
would be so; but that depends upon whether
not the barley is very dry before it is wetted.

3913. We have had it in evidence that in th
case of barleys steeped for 40 hours, it would
make a difference of between 18 and 20 per cent.
and in the case of barleys that were steeped fo
70 hours it would make a difference of 35 pe
cent.?—The sample of barley might be very dr
when first steeped.

3914. The question I want to put to you i
whether you think it a fair way of taking th
duty, because the inferior barley which is steepe
a longer time would pay more duty now than th
superior barley which is steeped a shorter time
the difference being as 18 to 35; the superio
barley swells less, being steeped less?—I ca
hardly answer that question.

3915. Sir *Edward M. Buller.*] Do you deal i
hops?—No.

3916. All the hops you import are for you
own consumption, are they not?—We do not im
port, we buy for own consumption.

3917. I think I understood you to say that th
difference in price since the hop duty has bee
taken off has been as much as between 10*l.*
cwt. and 3*l.* a cwt.?—Yes, that is so.

3918. Mr. *Read.*] For the same quality?—Fo
the same quality; I am speaking of foreign hops
and English hops have been brought down in th
same proportion by the enormous importation.

3919. Sir *Edward M. Buller.*] The price no
is less than 1*s.* a lb.?—Yes, it is considerabl
less.

3920. That is a great advantage to the brewer
is it not?—Undoubtedly, he can afford to brew
his beer better.

3921. Is it so very clear that you must increas
the quality of your beer, and that you could n
possibly diminish the price?—It is quite so; com
petition with us is so great; there are 19 brewer
in the immediate neighbourhood, and they ar
ready to take every advantage of the market t
improve their beer, and I must do it in sel
defence.

3922. Do not you think that the increase i
the sale of beer would be produced more by

litt

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cheapness than by a difference in the
y ?—No.
23. Do you think that the brewer who
offer beer rather cheaper would not be
likely to extend his trade ?—The same
obtains with regard to the price charged
e brewer for the malt duty. If the malt
of 21 *s.* 8 *d.* per quarter, is 2 *d.* per gallon,
ows that the price charged by the brewer
e publican when divided into half pints,
be so small that the consumer would not
e benefit of it.
4. That is presuming that nothing more is
out of the pocket of the consumer for the
tax than is paid into the Exchequer ?—
me that there is no more.
5. You must be aware that when the malt
the first instance, is advanced by the malt-
hat the brewer must reimburse him all his
y and interest, if not also profit upon the
he so employs; the publican must pay
ty, and a percentage upon it as well; and
herefore when it comes to the consumer,
tual pressure of the taxation will be greater
he money paid into the Exchequer. I have
onsidered that; I have always considered
his 21 *s.* 8 *d.* was the duty for a quarter.
6. The question is whether the duty does
come more than 21 *s.* 8 *d.* when paid by the
mer, because the consumer must pay not
he whole of the tax but all the increase
he augmentation of the tax which has ac-
from its passing through so many hands,
whom must obtain interest for their money
profit besides ?—That is a matter that I
not considered, but if you make a fair esti-
for all that increase, and if the tax were
off entirely, I do not think even then that
ould make a reduction in the price of beer.
7. Is it not possible that you might furnish
beer at a lower rate, say 5 *s.* a barrel, and
something might be taken off by the pub-
in order to increase his custom, and that
duction of the price might amount to some-
like 1 *d.* a pot ?—It is impossible.
28. Do you give it decidedly as your opinion
here could be no possible reduction in the
of beer per barrel to the publican, and that
could be no possible reduction in the price
ed to the consumer, which would amount
much as 1 *d.* per pot, so that the same
ty of beer which is now sold for 4 *d.* could
ld for 3 *d.* ?—I should say it is utterly im-
ble. 1 *d.* a pot is 12 *s.* per barrel; you
heard that three and a half barrels go to a
er, that is 2 *l.* 5 *s.* per quarter of malt,
fore it would assume that the present duty
malt is equivalent to 2 *l.* 5 *s.* per quarter.
29. Mr. *Henry Surtees.*] In that calculation
lo not allow anything for the profits ?—I
he incidents of the tax would not be 45 *s.*
a quarter of malt; it is impossible.
30. Sir *Edward M. Buller.*] You are pro-
aware that the profits of publicans are
large ?—I am not aware of that; a London
can is one thing, and a country publican is
ner.
31. Do not you know the difference between
rice they give you for the beer, and that at
h they sell it ?—They give me 1 *s.* a gallon;
have a discount off, and they charge 1 *s.* 4 *d.*
lon.
32. That is a very large profit?—It would
they did a large trade, but country public-houses do a very small trade. It is not like a public-house in London where they do a very large trade.

3933. That is 20 or 25 per cent. upon the cost price of the material they buy and sell ?—They charge 48 *s.* for the beer, and they pay 36 *s.*; that would be 25 per cent.

3934. The publican sells at the increased rate of 33 per cent., and you are of opinion that there is nothing in which you can make a reduction. The reduction on your part in the price of beer to him, and the reduction on his part to the consumer, would not be much more than one halfpenny a pot ?—We do not find that our country publicans save any money or make any money. With all their prudence, they can just keep their families from starvation. Usually the man who keeps a country public-house has to employ himself in some other business to keep his house going. He has first to pay, say, 12 *l.* a year for rent, and he would be rated at 25 *l.*; and he has his license to pay, which is a very heavy charge, and all these things being taken off, does not leave him a large profit. If a man is a carpenter, he goes out to his employment, leaving his wife to take care of his customers. In the selection of my tenants, I have invariably taken men who have some other employment.

3935. Is it your experience that the country publicans are very prudent as a class ?—They are almost always prudent men; they deal in cows or horses, but they are generally prudent.

3936. Take a public-house in a town where the consumption might be greatly increased by the cheapness of beer; would it not be possible for a man carrying on considerable trade to increase that trade advantageously by reducing the price of beer ?—If he were to reduce the price upon the small quantity which he retails, it would be so large a discount upon the profit of the entire 36 gallons, that he could not live by it at all.

3937. Then it comes to this, that the consumer of beer buying it at the public-house pays a very high price for it ?—No doubt far higher than if he were to brew it for himself, except that in brewing for himself he would have to run all the risk.

3938. Would that risk possibly amount to 33 per cent ?—I should think it would very likely amount to more than 33 per cent.

3939. That would be calculating a loss of one brewing out of three ?—Not altogether; because he would get a less quantity of beer out of his malt than a professional brewer would.

3940. Mr. *Read.*] Do you brew any sugar ?—Yes, a large quantity.

3941. Do you make a return of it ?—Yes; I return that as well as the malt.

3942. Do they take your return, or do they inspect your brewery ?—They inspect it every day; the brewery is open to the exciseman at all times.

3943. He cannot possibly test the accuracy of your returns of sugar ?—He could if he chose to stand by when it was emptied in; there is nothing to prevent him.

3944. What test could he apply; he cannot measure anything ? — No; but the mats are usually marked with the weight; he could see whether the proper quantity was used.

3945. Practically they take your returns ?—They do.

3946. Have you any reason to suppose that brewers,

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brewers, generally, make any unfair returns?—I do not think they would, because if they did do so, they would place themselves in the hands of their men who have access to the Excise papers.

3947. Your barley in Hampshire you said was of an inferior quality; how was that; was it badly harvested?—It was very thin.

3948. It had suffered in its growth, and not from bad harvesting?—Only to a small extent in harvesting.

3949-50. You said something about the rents of public-houses; provided a private house rental was at 12 *l.*, what would it be let for as a brewer's house?—Perhaps 7 *l.* I said that if the rent were 12 *l.*, it would probably be rated at 25 *l.* per year.

3951. Surely you must know that everywhere in the country a free public-house is worth a great deal more than any private house of the same size?—Yes; because I told you of the 10 per cent. that is allowed to a free publican that would make it more. A brewer can afford to give a higher rent, because he saves the 10 per cent. which he allows to a free trader, which goes to make up the profit to the brewer. A brewer's business will not pay on an average more than 10 per cent.

3952. Mr. *Henry Surtees.*] Why is a house that belongs to a brewer let for a less sum than that belonging to a private individual?—Because the tenant is tied to the brewer to deal with him at the higher price.

3953. Is it in any case let at that rent to evade the higher license?—No, not at all. Ten years ago the whole of the public-houses of the country were surveyed by the Excise, and the license was charged upon the value of the house, and not upon the rent received. We appealed against that, but without success.

3954. Mr. *Hardcastle.*] What is the average consumption of beer by country public-houses?—Two barrels a week would be the average throughout the whole kingdom.

3955. The gross profit upon that being 12 *s.* per barrel?—Yes.

3956. So that the publican upon an average makes very little more by his business than any ordinary labouring man who has two or three children employed in agriculture?—I should think no more.

3957. Then the publican has to pay out of thi first of all, the rent; what should you put that a upon an average?—A publican sells other thing in a country public-house besides beer. He ha often a little shop attached to it, and he sel spirits as well.

3958. First of all he has his rent to pay?—Yes.

3959. Then he has rates to pay?—Yes.

3960. You might estimate that at about doubl his rent?—Yes, and very often more.

3961. So that in fact if the rates are 1 *s.* in th pound for each quarter, 4 *s.* in the pound for th year, that would be 8 *s.* in the pound for th rental?—Yes, very often.

3962. Then the beer license is fixed at what —At 3 *l.* 16 *s.*, or something of that sort; I thin the spirit license and the beer license together would be between 5 *l.* and 6 *l.*

3963. The spirit license varies according t the rental of the house, and not according to th trade done?—Yes, that is so.

3964. Is it not within your knowledge tha within the last 10 years the wine license has bee given up by a vast number of country publican on account of the difficulty they have to sel enough wine to pay it?—I should think almos entirely by the country publicans; very few country publicans sell wine at all.

3965. On almost all country public-houses you see a white patch of paint where the word wine used to be?—That is so.

3966. Showing that the publicans' profits are not so great as they are imagined to be?—Yes that is the fact.

3967. Do not the tenants of country public houses very often change hands?—Yes; perhap every five years.

3968. Then as to the difference in necessar expenses to which the publican and the beershop keeper is put, has not the beershop keeper a ver considerable advantage over the publican?—I d not know that he has to any serious extent; should think the profits on the spirits would pa the extra expense, except in the case of ver large houses. If you find a very large house which is rated very highly, then the license come up to such an extent that it does not answer.

3969. Is the beershop keeper obliged to bille soldiers?—I do not know whether he is; I know the publicans are obliged to do so.

Tuesday, 30*th June* 1868.

MEMBERS PRESENT:

Mr. Ayrton.	Major Parker.
Colonel Barttelot.	Mr. Arthur Peel.
Sir Edward Manningham Buller.	Mr. Read.
Mr. Stephen Cave.	Mr. Henry Surtees.
Mr. More.	

COLONEL BARTTELOT IN THE CHAIR.

Mr. JAMES WEBB, called in; and Examined.

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)*. *Chairman.*] YOU live at Fladbury, in alley of Evesham, in the county of Wor- ?—I do.

). I believe you have been extensively en- as a land agent for about 35 years?—I have.

. Are you also occupier of a farm of 800 —I am occupying that farm now.

. And for many years you have had an st in a brewery in Worcester?—I have. ed about three years ago.

. How long have you occupied this 800 f land?—About eight years; but previous t I occupied about 350 acres nearer to ster.

. Are you a land agent for any large es- — We have some considerable agencies perintendance of large estates in Worces- e and Herefordshire.

. What is the name of your firm?—Webb uck.

. Lord Somers' estate is principally in ordshire, is it not?—It is.

. Have the Ecclesiastical Commissioners farms situated in the county of Worcester? ood many.

. And you have the supervision of those ?—We have.

. Has your attention been at all called to alt tax during the term of your agencies, so during the time of your farming opera- —It has.

. And also during the time you were inte- in the brewery?—It was.

. Having superintended large estates, have rned your attention at all to poor men's g, the cottage brewing as it is called?— .

2. Have you found that in any of those many of the labourers brewed?—I may ne brew in our county; when I say none, n very few. I have a shepherd who came f Oxfordshire, I allow him to brew; but ther labourers have not conveniences to at present.

3. And it is not the custom with you to ?—Not of our labourers.

4. Do you allow any malt during haying arvest?—No; ours is an exceptional district; e in a cyder and perry district.

5. Do you allow cyder or perry in the place ges?—I do not; I sell my own fruit, and beer instead; I find that giving cyder has a demoralising effect upon them, and interferes with their work, so that I give beer instead.

3986. Is it the custom in Worcestershire to give cyder?—Yes, it is given all the year round in the district where it is grown.

3987. Cyder is the general beverage used in Worcestershire and Herefordshire?—Yes, amongst the labourers.

3988. Do you not think that the farmers in Herefordshire and Worcestershire have a great advantage in being able to use cyder, which is duty free, instead of beer?—Yes; I have always thought it an anomaly; at the same time I do not think they are benefited by it; if they were to sell their cyder and give their labourers beer, I am satisfied they would have better men, and would get more work done.

3989. But they use the cyder, which is duty free?—Yes; and in a pecuniary point of view they appear to be benefited.

3990. From your extensive farming operations, can you tell us what effect you think the malt tax has upon the rotation of crops, particularly with regard to growing wheat or oats instead of barley?—Oats are seldom grown in our district; but it has this tendency, both in the portions of Herefordshire and Worcestershire, where barley is grown, that it causes them to grow wheat instead of barley on the rotation; some of the real barley lands are growing wheat in almost alternate years. In the case of the farm I occupy myself, half is on the clay, and half is barley land; and before I occupied it, it had been so exhausted by growing wheat instead of barley on the lighter part of the land, that I was obliged to adopt the system of alternately growing barley, and am improving it; I am ceasing to grow wheat on 160 acres of the land, and it is yearly improving.

3991. Do you think that a barley crop on a light land, taken in its proper rotation, pays the farmer better than taking a wheat crop instead of the barley?—I am sure it does, if we can maintain anything like the prices we have been having for barley the last two or three years.

3992. Do I understand you to say that farmers have taken to growing wheat?—Yes; a few years ago wheat was fetching a better price in proportion to barley, than it is now; barley is a more troublesome thing in wet weather than wheat.

3993. Do you think that the malt tax prevents those men from growing barley in its proper rotation

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rotation in a light soil?—So far as it tends to diminish the price of barley.

3994. You think that it diminishes the price of barley sufficiently to make them grow wheat instead of barley?—In average seasons it does.

3995. And the main reason was that the barley grown was not sufficiently good for malting purposes?—It is sufficiently good for malting purposes, but we consider that we can grow for two or three years nearly as much wheat upon the land as we do barley, and where men have not leases they take the more exhaustive crop, which yields them more profit for the time.

3996. Then you think that the malt tax had a great effect upon their growing the wheat instead of barley?—I think it had, simply by lessening the consumption of malt, that tends to keep down the price of barley; but we have had rather exceptional years; the price of barley has been high these last few years.

3997. Was the barley grown upon the land malting barley?—Yes.

3998. And yet it pays them better to grow wheat?—Yes, for a short time; but not continuously.

3999. Now, with regard to the heavy land; do you grow barley upon that?—We rarely grow barley upon the heavy land in our neighbourhood; in the valley of Evesham and our neighbourhood wheat is grown almost every other year upon that land; oats are scarcely grown, and hardly ever enter into the rotation.

4000. Supposing you grow barley, would it be so heavy that it would be down, and would not be fit for malting purposes?—It would not be fit except in very dry seasons.

4001. Do you think if the malt tax were repealed that farmers would grow barley upon the heavy land?—Yes, they would bring it into the rotation, say once in six years on those soils that are not extremely heavy.

4002. If they brought it into the rotation do you think it would be much better for the land, and also for the farmers themselves?—Yes; they would have spring instead of autumn culture, which keeps the land cleaner and improves its condition.

4003. Mr. Allsopp, who was examined on Thursday last, stated that, by what he termed smashing up his heavy land in the autumn and sowing his barley very forward upon that heavy land, he grew better barley and had heavier crops than any one of his neighbours in Worcestershire?—I know what he refers to. Last year he showed some barley against mine. Autumn cultivation for barley is the correct plan on strong land, yet if the harvest is "wet," it is rarely that good malting barley is secured on the heavier class of soils.

4004. It is your opinion that there is a large tract of country that would be cultivated with barley provided we were not hampered with the malt tax?—I think there is. Allow me to observe that some of the barleys that are produced are a little thin, and some not the best colour; these would not be sold to the malsters if the malt tax were taken off; they would be used by the growers themselves for other purposes; they would not be the colour to sell to the great brewers, but they would be sufficiently good for all ordinary purposes.

4005. Is it your opinion, supposing the malt tax were repealed, that the maltsters would buy that class of barley which is now rejected?—Yes; and I should malt myself on my own fa I should malt the barley which I grow for own use.

4006. You farm 800 acres?—I do.

4007. Do you think men who farm 300 ac would malt for themselves?—Perhaps one of every two would; one or two in the par would; some people have been in the habit doing it at a local malsters, but it is not do now; malsters say their trade occupies th kilns, and they refuse to malt the barley a certain price per bushel, in addition to duty.

4008. Do you think that malt-houses wo be established by farmers in many localities They would do so. The repeal of the hop dr induced me to plant hops and to build kilns m self, and I should do the same if the malt t were repealed.

4009. Do you think that practice would pr vail through the country?—On large farms would.

4010. And you think you would be able brew from your second class barley a good who some beer, quite good enough to give yo labouring people?—I would.

4011. Supposing the malt tax were repeale and you were able to brew this beer, what pri would you put your barley at, taking one ye with another?—About 4 *s.* to 4 *s.* 6 *d.* a bushel.

4012. That is to say from 32 *s.* to 36 *s.* quarter?—Yes.

4013. What strength do you usually bre your beer?—About four bushels to 100 gallons f our labouring men; during the summer mont my consumption is about 10,000 gallons a year.

4014. What do you think it would cost you gallon to brew that beer?—Four bushels of m would be 18 *s.*; four pounds of hops at 1 *s.* 3 would be 5 *s.*, that is 23 *s.*

4015. Then there would be firing?—I ha some advantage in brewing over other peopl a man costs me about 2 *s.* 6 *d.* per 200 gallons f brewing, which I will explain. I reckon th man, with his living, at 4 *s.* 6 *d.* a day, then a to that 2 *s.* 6 *d.* for the wear and tear of my pla for every 200 gallons, you will find that it w come to 7 *s.*; then add to that 1 *s.* for coal, th would make 8 *s.*; then from that I take for t barm and grains which I have for my own u 4 *s.* on the eight bushels for 200 gallons.

4016. One hundred gallons will cost you abo 25 *s.*?—Yes.

4017. That is 3 *d.* a gallon?—Yes; and if th malt tax were repealed, I should benefit to th extent of the duty.

4018. That is the price at which you wou brew, supposing the malt tax were off?—Ye it is.

4019. What would it cost you to malt th barley, which you say costs you 36 *s.* a quarter —I think you might add another 1 *s.* for tha if we had kilns; because the over cost of t barley pays a considerable portion of the pro of the malster.

4020. I think you said you used 10,000 gallo of beer a year?—Yes, I do.

4021. To malt a sufficient quantity of ma and I have no doubt you would malt for oth purposes; what would it cost you to put up malting that would do the work you require? —£. 150 *l.* or 200 *l.* would do for all I shou want for my own use.

4022. If I put 10 per cent. as the wear ar

te

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f plant upon that, it would be putting a air price?—Yes; it would be ample.

3. That would be 15 *l.* cost upon the gallons, besides any other malting that ght do?—Yes.

. Have you had any experience as a ; do you understand the process of malt- Yes. I have never gone sufficiently into to answer questions you may ask me. brewery we did not make our own malt at ut we subsequently built extensive malt- and kilns.

. When you had these maltings, you tended them to a certain extent?—We nthly or weekly reports; and occasionally one of the visiting directors.

. What number of quarters would your gs malt at that time?—There were three rge floors; perhaps I had better tell you ur returns were. Our sales of beer got ear 1,600 *l.* per month; we never got past

. You stated just now that the overcast nearly pay the expense of malting. Now to know, if you were to malt 100 bushels ey, how much malt in ordinary times would 0 bushels of barley make?—I think about It varies very much. If it grows upon hat is not barley land or strong soils, the ast is not so much as if it grows upon r description of barley land.

. If the barley is steely, it will not make ch overcast?—The yield will not be so

. We have had it in evidence, that with brewers, there is hardly any overcast at hat it is so made up for their use, that one per cent. is as much as they gain upon it; in your opinion correct?—I would not hat statement, because I know it varies ch. The foreign barleys that we bought, t yield so much as some of the British s.

. You think you might fairly say that 10 nt. would be about the average of the over- —That would be beyond the average of the m.

1. We have had it in evidence that from six per cent., in many parts of England, t the average?—That would be about the e.

2. Still you think that a 1 *s.* would pay the ses of your malting a quarter of barley?— very little doubt of it.

3. That would only be, according to your tion, 6 *d.* for 100 gallons, so that if we 5 *s.* 6 *d.* that would be what you think you fairly brew beer for, sufficiently good for abourers?—I think so.

4. Do not you believe that beer would be eneficial to them than the cider or perry they get now in Herefordshire and Wor- shire?—Yes, no doubt of it.

5. Is that about the strength you brew it —That is about the average strength for er use, in consequence of the price of malt; ot always use exactly four bushels of malt; omise as much as I can. I brew from three ls of malt, and use from eight or nine up to s. of molasses; when that beer has been d about 10 days it is racked into a cask that about 430 gallons, and I buy from the ries, cheap, the 1 *s.* 6 *d.* beer that is re- l, which has considerable strength, and into the 430 gallon cask I introduce 36, or 72 gallons, according to the quality of this old beer; so that I do not always brew four bushels of malt.

4036. Do you ever use any sugar?—I did at one time, but I found treacle answer better.

4037. Supposing the malt tax were repealed you would use nothing but malt and hops?—I do not think I should; it is more simple to use them.

4038. You think we have got a fair statement now in evidence from you that about 3 *d.*, to 3½ *d.* per gallon would be about the cost of such beer?—Yes, that is the cost to me.

4039. And that, you think, would be a great advantage to yourself, and also a great advantage to your labouring men?—It would; I do not think all farmers could brew as cheap as I could myself; it might cost them another 1 *s.* or 1 *s.* 6 *d.* per 100 gallons. I have water drawn up for my farm buildings, which enables me from my tank to supply my furnaces; and I have a refrigerator to cool the beer, which is carried into the cellar by pipes; some persons might not have the advantage of water, and it might cost them more.

4040. Is it your opinion that the abolition of the hop duty has increased the cultivation of hops throughout the country?—Yes, in our district; I have planted hops where they were never planted before my time.

4041. You think, reasoning in the same way, that the cultivation of barley would be much increased throughout the country, supposing the malt tax were repealed?—Yes; and small malsters and brewers would spring up, because it would require less capital to carry on their business.

4042. Have you turned your attention to foreign hops; do you know that we have had a large importation of foreign hops since the hop duty has been repealed?—Yes, last year they increased so rapidly, that it was with me a question whether I should increase my plantation of hops, or not; it made me hesitate, and in consequence I have not increased my plantation this spring.

4043. The hop plantations abroad are confined to Bavaria and Belgium?—And Bohemia, I think.

4044. And are the hops that come over so good as we can grow in this country?—They have never been considered so good till last year, with the exception of the Bavarian; they have ranked very well; last year the hop merchants in our neighbourhood frightened us by saying they were equally good, and they have been used to a large extent since.

4045. Do you think the commutation of the hop duty will give a great advantage to the foreign over the English grown hops?—I do not think any greater advantage can follow, because the foreigner could always bring his hops into competition with us; I think there has been a greater demand for hops of late years, and the plantations abroad have increased.

4046. Why should you hesitate to plant your hops if the increase in the demand is still going on?—The importation was so great from Europe. I never felt alarmed at America, because I always thought that even if they had their land for nothing, the increased cost of labour must give us as good a position. I think the Belgian and the Bavarian climates are better than ours.

4047. With regard to barley, is it your opinion that foreign would compete with the English barley?—I do not think it could. If we get good seasons in England, English barley will always maintain its value.

4048. Are

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4048. Are you, in opinion, the same as some of the other witnesses do, that although good barley can be grown in small districts abroad, yet as a general rule the English barley will always command a high price for malting in the market?—That is decidedly my opinion.

4049. Is that your opinion also with regard to hops?—I think hops vary. Bavaria and Belgium, as far as I understand, I think have quite as good a climate, or better, for the growth of hops than we have.

4050. Although they might compete with us with regard to hops, you do not think that they could compete with us as to barley?—No.

4051. The hop duty has gone?—Yes.

4052. Therefore, you think in common fairness, the malt tax ought to go too?—I think so.

4053. Now, with regard to your brewery in Worcester, what class of customers do you supply?—At first we confined it principally to the locality, and we were not selling more than 20 miles from Worcester. After that we got a little ambitious and extended our trade, and got agents in Cheltenham, Hereford, and different places; but not having the name, of course, we could not transact our business as cheaply as the Burton men who had agents and who had already got a connection. The consequence was our agents required more pay and did less work, and they were not particular enough in the class of customers which they selected; we had bad debts and did not get our casks returned, and it soon ceased to be a remunerative brewery. Now it is beginning to pay again, and is brought down again merely to a Worcester brewery.

4054. Your returns were nearly 1,600 *l.* a month?—Yes, that was the highest.

4055. Was that when you were doing your business within 20 miles of Worcester?—At that time our average was not quite 1,000 *l.* a month.

4056. Take the country within 20 miles of Worcester, and tell me what class of customers you supplied?—Mostly private houses in the suburbs of the town. The houses in Worcester we supplied with a small quantity, as both the public and private houses brew for themselves chiefly.

4057. Did you supply public-houses out of Worcester?—We supplied very little to public-houses. We supplied small beer-shops in the country, in the summer time within a radius of 20 miles of Worcester, and private houses in the suburbs of Worcester, and some farmers.

4058. What class of beer did you sell to the beer-houses?—The bulk of our beer was about 1 *s.* a gallon.

4059. Is it your opinion that the beer-houses adulterate their beer much?—I do not think they do much in our district; they may mix it with their own which had turned bad; they brew for themselves in the winter months, and they come to us in the summer, when they cannot brew good beer.

4060. Were these private houses, or did they belong to your brewery?—We never had but one or two public-houses of our own; it is not the custom in our neighbourhood to buy public-houses.

4061. Do you think the beer-houses sell good or bad beer?—The small class of beer-houses sell very bad beer; they brew on a small scale, and have never learnt the business.

4062. We have it in evidence that great adulteration takes place in the beer-houses; is your opinion?—I think it is very likely.

4063. Is it your opinion that the public brev can brew cheaper than private individuals Certainly not; for a person who only wan few hogsheads of ale brewed in the ordinary there is no cheaper way of brewing than do so himself on his own premises.

4064. We have it in evidence that a priv brewer very often makes a failure, and that one failure will counterbalance all the advant of cheap brewing, and that therefore the pu brewer could, on the average, brew cheaper t a private brewer; is that your opinion or not I do not think so; if a man was brewing a sr quantity to sell and deliver, it might be so; in our own cellars there is nothing so cheap that brewed on the premises; we are liable, our public breweries to have a great deal of b spoilt occasionally.

4065. Is it your opinion that if the malt were repealed, there would be more private bre ing than there is at the present moment?—I ha not the slightest doubt of it.

4066. If duty were taken off malt, and could not lose the revenue arising from that du we should have to find a substitute; should think the increase of the brewer's license t same as is now paid for the commuted hop du an unfair charge upon the brewer?—My impr sion is, that you should increase the licenses malting, brewing, and selling by retail, to be c sumed on or off the premises.

4067. Do you think that that could be eas done; that it would not press unfairly upon t brewer; and that it would not hamper or hin him by means of any Excise restrictions, m than are now imposed upon him?—Yes; and course he would get rid of the interference the Excise.

4068. Do you think that if a brewer's licen were placed upon a public brewer, it ought a to be placed upon a private brewer, or that so tax should be placed upon the private brew that would be equivalent to it?—I think, wh beer is brewed for your own use, and for sale, it ought not to be taxed.

4069. Do you think the public brewer wo complain, and say he was unfairly treated, if th tax were placed upon him, and not upon t private brewer?—He would get a correspondi advantage; he would get rid of the interferen of the Excise; he would only have to pay his license. As a brewer, I should think th the repeal of the malt tax would be beneficial me. I might not get so much per 100 gallo but I should sell a little more, and get a larg profit in that way.

4070. You think, on the whole, there wo be nothing unfair in substituting a brewe license for the malt tax?—I do.

4071. Sir *Edward M. Buller.*] You were go enough to tell us the expense of brewing 1 gallons of beer, showing that you could prod it at 3 *d.* per gallon?—Yes.

4072. Could you tell us the expense of bre ing 100 gallons of the beer which you sold as brewer at 1 *s.* a gallon?—I cannot; but my i pression would be something like this; that o beer would cost us, with the malt and hop about 2 *l.* 19 *s.* 6 *d.*, or 3 *l.* for what we sold 1 *s.* a gallon. Six bushels of malt at the avera price of 8 *s.* 6 *d.* would be 2 *l.* 11 *s.*; 6 lbs. of ho at 1 *s.* 6 *d.* would be 9 *s.*; that would produ

100 gallo

gallons of beer at 1 *s.*, equal of 5 *l.*; and ldition to that there would be barm and rains at 4 *s.*, to be added; that would yield *s.*

73. Then what is the cost of brewing?— 0 *s.* 6 *d.*

74. And there is a set off of 4 *s.* for barm rains?—That would leave 2 *l.* 3 *s.* as being t the profit; the produce of six bushels of y would be 5 *l.* 4 *s.*, and the cost of the rials would be 3 *l.* 0 *s.* 6 *d.*, leaving 2 *l.* 3 *s.* e profit upon the six bushels of malt. As s our practice went, we in our brewery, e we extended our trade and got into difficies, were paying a dividend for about five regularly; after paying for wear and tear of , and everything that comes into the cost of ing, we divided about 10 per cent. after ng something for reserve fund.

75. You cannot give me the cost of brewing eer which you supply as a brewer?—No, I ot; I do not think any man, unless he has in the business all his life and had stock every month, could tell that; but in the of brewing you must take the rent of the and premises, wear and tear of machinery, s and everything else, and call it the cost ewing, which is strictly correct, as it is the of manufacturing and selling the article.

76. At the rate of 2 *l.* 3 *s.* 6 *d.*, taking only ost of the materials, there would be a profit ly 40 per cent.?—Yes, there would.

77. Then you would deduct from that what all the cost of brewing?—Yes, the cost of ing.

78. How much per cent. would you put it -I have no doubt as a general rule it runs 25 to 30 per cent. of what you sell the e at; I do not think we ever obtained more 12 or 13 per cent. In all the accounts I seen, the statement of the cost of brewing s the cost of brewing, manufacturing, g and losses and everything; so that it is eyond what is realised.

79. And before you divided your 12 or 15 ent. you paid rent and interest on capital? s, rent; but not interest.

30. And this was clear profit; you had put er cent. as interest on your capital, and got 15 per cent. beyond that?—Including inten capital.

31. Then I conclude from your evidence, he profits of the small brewer, or such a trade u carried on in Worcester, would be greater those of the large brewer?—While a trade larger scale is growing it would not be so able as when it is matured; and, when it tured, and becomes a large and well-regu- brewery, the profits would be quite as large, rger, than those of small breweries. You find that in Burton, within the last few , small breweries have been rising; but, by alteration in the trade, some have been d. There is no doubt that the larger ones, matured, can realise as large a profit as the er ones.

32. And not only do they do that; but they all the public-houses and customers into power?—We do not know what is meant r neighbourhood by getting public-houses their power. I do not think the Burton ers have a single public-house in Worcesire.

83. I suppose you, as a brewer, are in the habit of testing the strength of your beer?—Yes; we have it tested for us.

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4084. Do you test the strength of the beer which you brew as a farmer?—No; we use the thermometer to boil it, and ferment it at a certain heat, and so on.

4085. You get as much beer as you can out of your malt, without estimating the strength, do you not?—Yes.

4086. We have had it in evidence that the great difference between public and private brewing is the quality; that the public brewer knows the quality and strength of the beer which he sends out; and, when we compare public with private brewing, the fact is, the beer brewed by the private brewer is so much weaker, that in fact the price is more than compensated for by the superiority of the article supplied by the public brewer; is that your opinion?—No; in the county and borough where we brew in the old established houses, public and private, it is just the reverse; and I attribute it to this, that the fermentation of the beer in private cellars is not quite so great as it is in breweries. In breweries, unless they do ferment it to the fullest extent, it undergoes another fermentation when it is transhipped, and spoils. The beer generally brewed in private houses drinks stronger on the palate; and the general impression is that home-brewed beer is stronger than that brewed for sale in proportion to the malt used.

4087. Do you make any distinction in the beer you give for the men working very hard, and those only employed in ordinary work?—Yes; we put in a cask of old returned beer into that brewed for ourselves.

4088. That you give to your mowers and reapers?—Yes, and the last thing at night, if they have done special work.

4089. Do you know at all when gentlemen brew in the county of Worcester, what quantity of malt is used to produce a given number of gallons of beer?—For their own private use, they generally use from 10 to 12 bushels per 100 gallons.

4090. That would make much more expensive beer than you are in the habit of brewing?—Yes, we brew five or six bushels for the ordinary use in our houses; and 10 and 12 bushels in the months of March and October for just what we want for the best beer to carry us through the season.

4091. I think you told us that malting used to be done in your neighbourhood for farmers by the malsters, on the plan of receiving barley, and giving them back malt?—Yes.

4092. That they return the malt and all the outcast so obtained?—I take it for granted they do.

4093. What was the price paid upon that condition for malting?—I think they paid 1 *s.* a bushel and the duty for malting.

4094. But the outcast would be worth a great deal more than 1 *s.* a bushel?—That depends upon the barley.

4095. Are you aware of their being two processes of malting; one by which you obtain a greater outcast, and the other by which you obtain a higher quality of malt?—Yes; I believe so.

4096. You are not aware of this of your own knowledge?—No; there is a little difference in the malting for sellers by the private maltsters and brewers for their own use.

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4097. Have hops kept to the same price since the reduction of duty?—The average price has been rather higher since the duty has been reduced than before.

4098. The price of hops, without the duty, has generally been higher than the price of hops with the duty?—It has.

4099. Has there been any great change lately?—Yes, during the last six months.

4100. The high price was maintained up to within the last six months?—Yes, up to about last October, and from that time it has been gradually reduced.

4101. What has been the fall in the price of hops?—According to the qualities; from 5 *l.* to 6 *l.* a cwt.

4102. What is the price per cwt.?—At the present time they vary from about 3 *l.* 15 *s.* up to 6 *l.* 10 *s.*, according to whether they are Sussex or East Kent, or what they are. There is a difference now of 3 *l.* between the highest and lowest description of hops.

4103. Is the reduction in price attached to each kind of hops?—It is in the same proportion. You may say, as near as possible, that from last year to the present time, they have been reduced one-half; what I first sold for about 10 *l.*, I sold recently for 5 *l.*; that is the last lot I sold.

4104. Major *Parker.*] I think you say that your consumption is about 10,000 gallons of beer a-year?—It is.

4105. You do not use cider at all on your farm?—I do not say I do not use it at all; but if I use it it is an exception. I have not used any cider for the last 18 months; but I think very likely, within the next three weeks or a month, I may use some. I should use it perhaps the last thing in the evening, but I should not let it form a material element of consumption, the men are always quarrelling when they are drinking it; it makes the harvest-field like a bear garden.

4106. That quality of beer, if the malt tax were repealed, would be about 25 *s.* per 100 gallons?—Yes.

4107. What do you now pay for that description of beer, with the duty?—When I brew it all from malt it is 11 *s.* more on the 100 gallons, reckoning the duty at 2 *s.* 9 *d.*, making it cost about 36 *s.* 6 *d.* per 100 gallons.

4108. It is 36 *s.* per 100 gallons now?—Yes, that is, its cost to me brewing it at home.

4109. Mr. *Henry Surtees.*] At what price do you think the beer which you brew at between 3 *d.* and 4 *d.* a gallon would be sold by the publican?—He would not brew that sort of beer at all; he would brew a higher class of beer than that; the brewers who brew at home have two classes of beer, one they call table beer and the other ale.

4110. Is the beer which you brew at 3 *d.* or 4 *d.* a gallon, equal to the beer they buy at 1 *s.* a gallon?—No; it is about equal to what they buy at 9 *d.* or 10 *d.*; it is not equal to the 1 *s.* beer.

4111. Mr. *Read.*] When you were engaged in your public brewery, did you ever find that the price of malt and hops was so high that you had to increase the price of beer?—It was so once or twice.

4112. What was the result?—It always injured our trade; when we first increased the price, we found it lessened the consumption, and then we used to reduce the quantity of malt; that told upon us worse, because we found in consequence of deterioration in the quality of ou beer by reducing the quantity of malt, it woul not stand transhipment in the warm weath It turned sour, and we got it returned. Th higher the standard of the beer, the bette adapted it is for removal.

4113. Particularly in hot weather?—Particularly in hot weather.

4114. Is barley that is grown on light lan subject to a great number of vicissitudes; fo instance, in a season like this, would it b parched up and steely?—In a season like this, am afraid my yield in quality will not be mor than 60 per cent. of what it was last year.

4115. On the other hand, if you manured i highly, and you had a very forcing season, in al probability it would lodge?—It would lodge but on my barley land, that would not be very serious; my land is so completely barley land that it discolours very little from lodging, but on the stronger soils, it deteriorates very much.

4116. And then if you harvested it badly, and it was stained, that would be another deterioration?—We could not sell it for malting barley.

4117. If the barley was steely, if it was thin from being lodged, and if it was discoloured from being badly harvested, it would not probably sell for malting barley?—No, we should not be able to sell it for malting barley.

4118. If we had no malt duty, do you think the maltsters would be so particular about buying second-class barleys?—We should malt it ourselves, and sell to people who brewed beer for their own work-people or for their own use.

4119. How long have you put up this little plant for your private brewery?—I did not put it up first for the private brewery; I put it up to supply my homestead; it supplies my furnaces and cattle all over the farm; and I made it as an auxiliary to my brewery.

4120. How long have you been brewing from this plant?—About eight years.

4121. Have you any idea as to the length of time a private brewer's plant and casks would last?—Unless you neglect a cask it will last for 20 years; the mashing tubs and the bottoms of the furnaces would want renewing oftener; ordinary good store casks when kept in use will last half a century; the more frequently you use them the better they keep; if they are neglected and you get a stinking cask, by not taking the bung and cork out, it is incurable.

4122. When a public brewer tells us that there is an enormous expenditure for casks, there is not the same expense for the private brewer?—Certainly not; but, as a public brewer, I found it always arose from the neglect of our customers to whom we sent the beer; they do not attend to the casks when they have got them empty.

4123. They do not as an invariable rule return them?—A great many are not returned.

4124. With regard to molasses; you don't pay extra duty upon it?—I think it does pay something; I do not know what the duty upon molasses is; it pays a small duty.

4125. You paid no extra duty when you converted it into beer?—No.

4126. If the public brewer used it he would have to pay duty?—I am not aware; I thought there was a differential duty, that the sugar used in the London and other breweries paid a less rate of duty than that used for ordinary purposes; but I may be wrong.

4127. You

7. You use molasses as a substitute; do you
that the public brewers have similar tricks
manufacture of their beer?—I have seen
liamentary Return of the molasses and sugar
in the London breweries in the year 1866;
k the total quantity was four or five mil-
ounds of sugar. I think it appeared to be
more in the London breweries than in all
ish, Scottish and other breweries put toge-

8. Does the increase of the import of hops
abroad proceed from the higher price of
or from the duty on hops being commuted
brewer's license?—It is produced by hav-
ther higher prices upon an average the last
r six years than previously, and that has
raged them to increase their importation;
to which they had an extraordinary good
last year, and we in a great portion of
nd had a very bad season.

9. I think, previously to the duty being
uted, the import duty on foreign hops was
uch more than the English grower had to
—I think it was almost brought down to the
evel, and on one occasion Mr. Bass induced
ouse of Commons to suspend the duty for
ear, or endeavoured to do so.

0. I understand, in your opinion, that the
r ought to be at liberty to brew if the malt
ere repealed, without paying any duty
ver?—Yes, for his own use.

1. Supposing it could not be allowed, have
hought how you could possibly collect a
uty from private brewers?—I cannot see
license would apply to persons who brewed
e for their own use; my neighbour might
ant a third of what I should. How would
gulate the license? When we came to the
ry malthouse, brewery, public-house, or
hop, I can see how it is to be done; that
increasing it according to the assessment
beginning with a certain fixed sum as
inimum" for a license.

2. You think, if there was a duty at all,
ing the kiln might be adopted, rather than
he private brewer should pay a tax; you
think it would do for the private brewer
ke a return of the quantity of malt he
—No, because it would have to apply to
house in England where they brew half-a-
ead in the winter and half-a-hogshead in
mmer.

3. Mr. *Arthur Peel.*] I understood you to
at the effect of the malt tax was to lessen
nsumption of malt?—Yes.

4. The malt tax being still imposed, how
u account for the fact, that there is such a
ity of malt made from foreign barley?—
wn growth has been short.

5. Do you think if the malt tax were re-
l, a large extent of land would come under
cultivation in this country?—Yes, I do.

6. And you would expect to find the price
ley reduced?—Yes, if the increased con-
ion of beer did not keep pace with the in-
d production of barley.

7. Has not the price of barley been im-
ly high during the last three or four years?
as.

8. Does not that high price rather induce
e to look to the foreign barleys?—We have
deficiency altogether; the high price has
owing to that, and to the small breadth of
planted.

7.

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4139. For how many years past?—For the last two or three years.

4140. Then you do not seem to agree with a witness we have had previously before us, as to the quality of malt produced from foreign barley; you think we could always produce the best barley and the best malt?—I think we could.

4141. Mr. Matthews told us that some of the malt made from foreign barley was quite as good as our English malt, and might be adopted for brewing a high class of ale?—I should not disagree with that answer. He speaks of some barley, very possibly, from Denmark; but we never hear of American barley interfering with us in the country. It appears that the barley grown on a large continent requires a certain humidity; however good their barley is, we know, if the barley is in blossom, and we do not have rain before the barley is harvested, it is deteriorated, and not of as good a quality for malting.

4142. California belongs to a large continent?—They may have malting barley there, but that I do not know anything of.

4143. For purposes of economy you use molasses in brewing?—I do.

4144. Do you consider a compound of pure malt and hops would be a more wholesome compound than where molasses is used?—I could not say; I have never tried it sufficiently. It is always more satisfactory to our men when we are using malt instead.

4145. Do I understand you to say that the private houses in Worcester brew their own beer?—In my recollection they did, and the great bulk do now; but those houses which are built in the suburbs have no conveniences for brewing.

4146. What do you mean by private houses; private individual dwellings?—Yes; I recollect the time when it was a difficult thing to find at any private house beer except that which was brewed upon their own premises.

4147. You have also said that you think private individuals can brew their beer much cheaper than the public brewers?—Yes.

4148. Then what is their grievance?—I do not say that they have any grievance; but, as an article of consumption, in using beer themselves they would be benefited to the extent of the malt duty.

4149. What is to prevent private brewing becoming more general; if they brew in Worcester, why should they not do it elsewhere?—It depends upon their habits and means; breweries are springing up more rapidly, especially in modern towns and places where population is rapidly increasing; but the families in Worcester who brewed beer formerly mostly continue to brew; they have all the appliances to do so.

4150. Did I understand you to indicate a preference for a license on brewing?—I did not indicate any preference; I thought there would be a difficulty in applying a brewing license to private houses, where they do not sell.

4151. You would not prefer a brewing license to the malt tax?—I should prefer licenses on brewing, malting, and selling, to the malt tax; but I see a difficulty with regard to private houses.

4152. You do not see any security that a brewer, paying a license, would have over the unlicensed private brewer?—No, I do not.

4153. Mr. *Ayrton.*] I should like you to state, in a concise form, the miseries inflicted upon any class of the community by the malt tax?—I think

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think if the malt tax were repealed the agricultural labourers could get beer from small breweries at a cheap price at their own homes; their families would be a great deal better; their wives would be stronger, and their habits would be better, and they would less frequent the alehouse. If our labouring population would brew their own beer, you would elevate their character, and you would save the farmer a great deal of trouble in drawing it; it would be extremely beneficial to the working population in the rural districts.

4154. That is your conclusion as to the misfortune that arises to the community from the malt tax?—That is one.

4155. Can you tell me any other?—That is the greatest.

4156. Can you tell me how taking off the malt tax would relieve them from that misfortune?—They would get beer cheaper, and they would get it at their own houses; if the malt tax were repealed they would have better facilities for getting it; if they do not even brew it themselves they would have better opportunities of buying it.

4157. How does the malt tax interfere with that operation now?—Small brewers would exist in almost every small village, where they do not exist now, although the trade is getting more into the hands of small brewers now than formerly.

4158. I do not see how the malt tax prevents the small brewer brewing if he likes, and anywhere he likes?—It takes him now something like 25 per cent. more capital to start with, than it would if malt were free of duty; therefore that lessens the number of brewers and maltsters, and lessens the competition. I recollect in the salt trade, in Droitwich, there was formerly a monopoly when there was a heavy duty, and manufacturers made large fortunes; the effect of repealing the duty was to bring more people into the trade, and the salt was sold at a fabulous reduction as compared with its cost of production when chargeable with duty.

4159. There is nothing in the malt tax which prevents any person brewing if he likes?—Nothing.

4160. You spoke of Worcester where people brewed their own beer; do they continue to brew it now in the same way?—The bulk of them do; there are some who do not continue to do it.

4161. You see great difficulties in going into the houses of these people to ascertain how much beer they have brewed, if they were to be made liable for duty?—The difficulty I see is in the regulation of the license; one man would use 10 hogsheads, another 50, and another man's consumption might only be three.

4162. I understood you to have stated, that you think a person who brews and drinks what he brews, ought not to pay any duty?—I think not; for instance, a farmer who grows barley and manufactures it into malt, and consumes it for his own use, has no more right to pay duty than a man who having raised ironstone, manufactures the ironstone into iron.

4163. Do you think on the same principle, that a person who distils his own spirit and drinks it, ought not to pay any spirit duty?—I would say that one is more a necessity than the other.

4164. Is it on the ground of necessity that you would exempt any person who brews and drinks what he brews, from paying a duty?—I beli it is essentially necessary for the labouring c of this country to have beer at the lowest possi cost.

4165. Is it essentially necessary that th should have beer at all?—I believe it is.

4166. Supposing the great mass of peo throughout the world, labour and live with drinking beer, how can you say that beer is necessity?—Climate varies very much, and t habits of men vary also. I have many men wh come to work for me from Ireland and differe places, and they have gone a short time withou beer; and when they have been in the neig bourhood a short time, I have invariably foun that unless they had their beer as other me they would not do their work.

4167. Perhaps that is on the principle of ge ting as much out of the master as other peopl get?—Perhaps it may be.

4168. Have you offered money to them as a equivalent?—Yes; and they decline it; and fro not giving beverage during the winter months lose my best men; they go to the smaller cla of farmers, who do give it. The best of m carters and men go.

4169. And the best class of your men go, not withstanding that you give them a full equivalen in money?—Yes, I should be extremely glad i we could get rid of the system, and we perhap could to a greater extent if cider were not grown in Hertfordshire and Worcestershire to such an extent.

4170. However, they live in those countie without beer?—Yes, they drink cider; in th east part of Worcestershire we grow very little.

4171. Do you attribute their not drinkin beer to the difference in climate?—To the dif ference in habit and locality.

4172. Mr. *More.*] Which should you prefer i Worcestershire, giving the labourers beer c cider?—I give them beer; I sell my own fruit.

4173. Which do you think is the best for th men to work upon?—Beer.

4174. If the malt tax were repealed, do yo think a much poorer class of men would b able to brew at home?—Yes, I do.

4175. Does it require much talent to brew?—Not a great deal; they can very soon be taugh

4176. Do you think the wives of these me could brew beer themselves, and that they woul care to brew at home?—Perhaps not at presen but would when malt could be more cheapl bought.

4177. Would they have the proper utensils t brew?—They have not at present.

4178. Would the acquisition of these materia be within their means?—Yes; I lend my me utensils when they want to brew, and they brin them back again when they have finished.

4179. With regard to adulteration, you sai you thought that your beer was not extensive adulterated by the publicans; are you in th habit of drinking publicans' beer?—As a lan agent going about the country; at the roadsi houses I drink it frequently.

4180. Have you made inquiries from the me who frequent them, whether they think the beer adulterated or not?—It varies very much; we not know that it is adulterated; but we fancy it from the want of knowledge of brewing; there an impression that they put tobacco in it to mak it stronger or more intoxicating.

4181. Had you given the question of priva brewe

much consideration before you came
No.
Has it been within your province to
that question minutely as to licensing
brewers?—I have given it some consi-
; I have always seen a difficulty in
g private individuals who brew for their
rposes; I do not see on what scale it
e done, unless it was done upon the
nt value of the house or premises; the
of beer would vary so much; one occu-
uld occupy a house and require to brew,
it, and his successor might not brew.
sons who brew for sale, I think a minimum
ith an increase according to the rateable
f the premises, should be fixed, and a
ce should be made in licensing retailers,
r the beer was drunk on the premises or
he maltster's license could be charged in
e way.
. Do you think that the maltsters in Wor-
ire are generally opposed to the repeal of
alt tax?—My idea is from the conversa-
ave had, that the brewers and maltsters
osed to the repeal for the reason that it
bring more persons into the trade and
e the competition; that is the ground of
bjection.
. You think it would be to some extent
us to their interests and trade?—I do not

think so; I think their trade would increase, and if they had competition and smaller profit they would sell more.

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4185. You think it beneficial to the public at large?—I do.

4186. Then the question is, whether we are to consider their opinion and their interests or the good of the public at large?—That appears to be the question.

4187. *Chairman.*] I think you say that the malt tax is injurious to the poor man?—I believe it is.

4188. You also stated distinctly that it interferes with the cultivation of the land?—It does.

4189. And that the high price of malt tends to make people use other ingredients which are bad for the human constitution?—I will not say that they are bad, but they do use other ingredients; there is nothing in molasses or sugar that is injurious.

4190. If malt were cheaper sugar and molasses would not be used?—No, they would not to the same extent.

4191. And, so far as the brewers are concerned, a brewers' license would not be an unfair tax?—I think not; anything in the shape of a license, so as to get rid of the Excise, would be an advantage.

Mr. William Gurdon, called in; and Examined.

Mr. *W. Gurdon.*

2. *Chairman.*] You live at Brantham
in the county of Suffolk?—I do.
. You are now a County Court Judge, and
een so for many years past?—I have from
rst.
4. You are also a practical farmer, and
rm about 300 acres of land?—Yes, for the
years; but I am a Norfolk man, and a
lk circuit man, and have thus been mixed
th farming all my life.
5. You have thought a great deal upon the
on of malt tax, and you have suggested a
o Mr. Gladstone by way of commuting the
on malt, and turning it, if I may say so,
license upon malt kilns; perhaps you would
tell us how you would work out that sys-
—The Committee will be so good as to bear
nd what had taken place just previous to
bmitting this plan to Mr. Gladstone. Sir
y Kelly had moved for a Committee, the
of which were, as I dare say you will
ect, "Whether, compatibly with the in-
s of the revenue, the laws relating to the
e duty on malt can be amended, so as to
te more advantageously with reference to
ultivation and price of barley, and to the
facture and price of malt and malt liquor."
96. Was that in the year 1863?—That was
e Session of 1863. The first communication I
to Mr. Gladstone was on the 9th of Janu-
864; and as I found from what I could col-
that the Chancellor of the Exchequer was
lling to part with the money he got from malt,
ed my attention to it in this way: "take your
, and let us make what malt we please." Now
would be to reverse exactly the ordinary
od of taxation; instead of a fluctuating
ue with a fixed duty, it would be to give a,
revenue with a slightly fluctuating duty, but
magine, with a constantly decreasing duty.

4197. I understand that you would take, to begin with, a duty at so much, and then work it out upon that principle?—No. I take, first, the sum that the Chancellor of the Exchequer says he must derive from the duty; then I endeavour to arrive at the plan by which we can make as much as we please, having secured that duty as if it was farmed. The plan which I submitted to Mr. Gladstone was this: about the end of June, or at whatever time the Board would require the maltsters should give notice what kilns they would wish to have licensed, and the time they would wish to have them licensed, the license being based upon the superficial area of the kilns; and to give the area of the kiln in the way which I think you will find explained to Mr. Gladstone in what I called the rough draft, which is a sort of an abstract of a supposed Act of Parliament. Then, the day having expired for the maltsters to send in their notices, the Board would make up the applications with the number of feet. Supposing the Chancellor of the Exchequer says I must have 5,000,000 *l.*, and supposing there is an application for 10,000,000 feet, that is multiplying the number of months during which it is licensed (of course, for five months the same kiln would be five times the number of feet as for one month); suppose, then, the number of feet required by the maltsters were 10,000,000, it is simply to divide the money by the feet, and you get 10 *s.* duty per foot; I merely put that as an illustration. The maltster starts when he pleases; with kiln A, he says, I will work for six months, and with kiln B for five months, just as he pleases. If he wished to stop in the intermediate time, I should say let the kiln be locked, and start again when you please; you take your five months or your six months for that kiln at what time you please. Now I think the effect of that would be to increase

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crease the quantity of malt made; and I have some justification for that belief, because I have learnt from the Inland Revenue Board, this plan having been two or three times submitted to them, that there was something of a similar plan in Ireland with regard to distilling by the Act of the Irish Parliament of 1789, but that Act did not secure the revenue. It is a very curious thing to find that the Board, in the first of their reports upon that plan, state that at last the ingenuity of the distillers was such that they made at least 40 to one. Then I said to Mr. Gladstone, "Do you think that the ingenuity of the English maltster, or the maltsters of the present day, will be behind the ingenuity of the Irish distillers in the year 1789 and the following years?" That appeared to me to be a very strong argument to show that there would be a very decided increase in the quantity of malt made. Well, now, Mr. Gladstone, in his first letter after I sent the plan to him, puts the question to me, "Do you think it will have the general support of the trade?" I said, "The trade must answer for itself; I am not a practical maltster, therefore let the matter be submitted to the trade." I asked one very respectable maltster, who is the vice chairman of our Farmer's Club, about it, and he said that he did not like the plan. "Now," I said, "come, tell me honestly, what is your objection to it?" "Well," he said, "I will; it would make such a race between us who would malt the most, that as a quiet man I should not dare to remain in the trade." I was talking to two other farmers, and they were also maltsters; I was explaining the plan to them, when one turned to the other and said, "What a rattling demand it would make for barley," meaning that every maltster would be obliged to take care and secure himself barley in hand to malt with, or else he would have to stop his kiln. But, however, the main question of course in the first instance was, for Mr. Gladstone, whether this would be a secure plan for the revenue, and for that purpose it was submitted to the Inland Board. Now I wish to say everything that is courteous of the Board, because I received every courtesy from the chairman, but I cannot help saying that it is most unfortunate, but I doubt even at the present day whether they fully understand the plan. Certainly on the first occasion they did not. Mr. Gladstone kindly sent me an extract from their Report, and you will find it in the correspondence which I gave you.

4198. How would you prevent any fraud with reference to malt houses, if they did not send in to say that they wished to malt. Supposing a malt house did not send in a requisition to malt, and they malted there, how would you prevent that malt house from malting?—Merely by penalties; supposing a man now does not send in notice to the exciseman that he is going to steep; it is a very similar case.

4199. What sort of regulation would you put the houses under, so that they should be visited by the Excise?—I have here a letter from a practical maltster, in which he suggests that all kilns that are not licensed should be locked up. I am not a practical maltster, and therefore it would be very desirable to have the opinion of practical maltsters, as well as officers of the Board.

4200. Your opinion is, that it would so greatly facilitate operations of that kind, that more malt would be made; and consequently there w be a greater demand for barley?—For this reason, that if two persons start, licensin same number of feet, and one makes doubl quantity of the other, he pays but half as duty.

4201. That is to say, that each man w pay a fixed duty, to fall irrespective of quantity of malt so malted, during each mon —Exactly so, they would pay the same du the revenue; but the actual duty upon the would be only half in the one case what it w be in the other.

4202. Did you go closely into the ques whether the duty would amount to as much bushel as the present malt duty does?—The sent malt duty fluctuates.

4203. Have you made any calculation to sh that the duty would be less per bushel than i at the present moment?—It would depend u the sum the Chancellor of the Exchequer manded. During the Crimean war, he w have said I must have more; then, of course, duty would have been higher; and it wo keep fluctuating every year, according to quantity of feet licensed. If there was a la demand for malting space, the duty would be l upon each foot licensed. If there was a small demand the duty would be higher, and the co petition would be less.

4204. Did Mr. Gladstone seem to think th your plan could be carried out?—I have neve had any personal interview with Mr. Gladstone and I apprehend no Chancellor of the Exchequ would ever commit himself; he did write me letter rather reproaching me for being a litt too hard upon the Board in my observation begging me to rememder the great responsibili which they had; and, I may say, that he ma use of this expression, I think, "that the sche was one that aimed at the solution of a very i portant problem." I presume that the impo tance of the problem was the new mode taxation in securing a certain amount of reven instead of a fluctuating amount, which might fa off. Perhaps you will allow me to add, that th plan was submitted at the time when there w no sort of question raised of transferring th duty to beer. If I may be allowed to speak as farmer, I should say get the whole tax off th barley, because there is no plan which will d justice to the grower of full inferior barley, long as the duty is the same upon good barle and bad barley. I think you will find tha worked out in two instances in the correspon dence. I believe that those who are not farmer of inferior barley have very little idea what th enormous loss is to the farmer who is a growe of that barley.

4205. Then you think that, if we could substitute a brewer's license for the present malt tax, i would be doing good service to the farmer?—I am so certain of that, that though I might be vain of being the author of a new mode of taxation, I should be much better satisfied to give up my vanity, and give up my plan, and have the barley duty free.

4206. Because you know that, at this present moment, the inferior classes of barley do not meet with that sale which they ought to do; because the maltster will buy nothing but that which he considers will malt better than another class?—I put this case in a letter to Mr. Gladstone. Take a farmer of, say, 500 acres, on the four-course

se shift; 100 acres of barley, at five
an acre, four quarters of which would be
lting, would produce 400 quarters. That
ight be injured by bad weather, or it
a thick-skinned barley. I took the
the market between the high and the
I showed him that, supposing farmers
inferior barley, at the low price of the
he loss would be over 100 *l.*; putting
at 750 *l.*, that would be a very heavy
he farmer; and so much gain, therefore,
ld get the duty off.

What year was that in?—That was in
he prices were 48 *s.* and 64 *s.* I showed
loss there would be 110 *l.* upon a farm
cres, having 100 acres shift of barley.
short, simply this: whatever proportion
of the inferior barley bears to the best
proportion of duty is taken out of the
the grower.

Then, taking all things into consider-
u would willingly give up your own
nd your own views, provided that the
x could be taken off barley, even if it be
ed in the shape of a brewer's license?—
ionably; so that we might have the op-
to wet our barley, and to sprout it, and,
do anything we pleased with it. In the
4, I had a very large crop of barley, as
ple had; but then it was very thick-
and the maltsters shook their heads at
ffered me 25 *s.* a quarter for it. I said
eighs 57 pounds per bushel, and I will
very part of it. I will not sell an atom.
my stock upon my barley, sprouting it;
myself liable, I believe, though I gave
the exciseman. But, from what I have
the evidence taken last year, I presume
too far. All I know is, that I sprouted

And you found that sprouting was ex-
advantageous for the feeding of the
-I never had my horses in better con-

Did you feed your bullocks with it too?
but I found that the bullocks did not
. The pigs which were fed with them
fat; the horses and pigs did very well

Mr. *Read.*] This heavy barley that you
that year could not have been pro-
malted under Mr. Gladstone's Malt by
Bill?—I think it would have made
ly good malt; it would not have made
t malt, and it would have required
lerable time to soak, perhaps more than
ow.

The maltster could not have availed
of the privileges of Mr. Gladstone's
y Weight Bill, in consequence of its
o very heavy?—No; it was 57 lbs. to a

Would you kindly tell me one or two of
ections the maltsters raised against your
l scheme?—They resolved themselves
; one is the inequality of the kiln. You
Inland Revenue Board say in their second
upon it, "It need hardly be stated, that
ction more condemnatory can be argued
any scheme than that of its bearing un-
upon the public, and especially upon in-
ls in the same trade." What they mean
is, that the kilns are not all alike. Well,
se they are not; every man in business

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knows that he has to compete, perhaps, with a man who has got either better machinery, or who for some other reason, beats him in the trade, and gets the most profit. I can give you a very good instance. When I began farming, 10 years ago, I offered a wheelwright the making of all the bucks of my Scotch carts; he said, "I cannot do this; I cannot compete with Messrs. Woods & Cocksedge and their steam saws and their machinery; they beat us out of the market." Well, I only said to Mr. Gladstone, if one man sees, on account of his kiln being bad, that he cannot compete with his neighbour, he has nothing to do but to make his kiln better. I was talking to one of the largest maltsters at Stortford, the son of a man whom they used to call the king of maltsters, and he said, "Pray Mr. Gurdon what is the objection of the board?" I said, "The principal objection is that the kilns are unequal;" "Oh!" he said, "there is nothing in that," and fillipped his finger. But I think I might call the attention of the Committee, as Mr. Gladstone asked for the opinion of practical maltsters, to a reprint of the meeting of the Tewkesbury grain show, in which my Lord Sudeley was in the chair. I think they unfortunately met on the Derby-day. I was invited to go down, but I could not go. The secretary of the Tewkesbury grain show, Mr. Blizard, explained the whole plan; and he says that the measure "was the most feasible plan he had ever seen, and would relieve alike the trader and the farmer more than any Bill yet passed; it did away with the exciseman, and I plainly tell you that if you will take the exciseman out of my malthouse, I can make you a better class of malt, and afford to sell you those barleys, now distilled, for cattle food, much cheaper." He wrote also a letter to me, in the first instance. I dare say the Honourable Member for West Norfolk remembers my going down to Norwich to explain the plan; some of them sent Mr. Blizard the "Norwich Mercury," and he wrote in a sort of ecstacy upon the plan, thinking I was in the trade, and he said, "My dear Sir,—A friend of mine at Norwich has sent me the 'Norwich Mercury' of April the 16th, and I must say that I am much pleased with your plan for commuting the malt tax; I have never yet seen so good a plan, in my idea, brought before the public." This is Mr. Blizard, the same person who explains the plan perfectly correctly at a meeting of the Tewkesbury grain show, in the summer of 1864. I have also a letter from a Norfolk person, a Mr. Turner, of Stoke Ferry.

4214. Does he approve of the plan?—He strongly approved of the plan. I took the letter out of the "Norwich Mercury," I think.

4215. Mr. *Read.*] He approves of your plan?—Mr. Turner approved of the plan very strongly, but there is one thing he says which I think is rather important; he says that the Board of Excise, in their Report of last year, apprehended the probability of loss to the revenue; that is when they did not understand the plan, because the plan, if carried out, secures the revenue in the first instance; whoever applies would be bound to pay the duty which he has contracted for. He says, "This, of course, is absurd, if the amount is fixed as proposed; they might probably urge, that if the Government did not suffer the fair trader would, by the illegal practice of the fraudulent trader; I contend it would not be so, believing that the simple expedient of licensing

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and protecting the kiln will be quite sufficient, and do away with all the cumbrous machinery of the antiquated excise laws, which ought not to be tolerated in these days, when so many restrictions upon commerce are being swept away, and I am confident the result of this will be to throw open the trade, break up that stupendous monopoly of the large brewer and maltster, greatly reducing the duty by increased demand and consumption, and with no loss to the revenue. Another item ought not to be overlooked; a considerable sum would accrue from the decrease in the cost of collecting and supervision, as now practised."

4216. Under your scheme there would be no inspection required?—The exciseman, of course, would be allowed to have his eye upon every malting, and go in when he pleased.

4217. But not to interfere with the manufacture of the malt?—Not in the slightest; there would be no compressing of the couch, or any of the horrible extortions which have been practised against the maltsters. Mr. Turner suggests the locking of the kiln doors when they are not in use, but the Board seem to think, in one of their last Reports sent to me by Mr. Gladstone just as the rest of the matter was going to press, that there are a great number of kilns in England which are not now used; and the Board say, "How should we protect the revenue from those being used?" How do you protect them now, I would ask? The only addition I would have is the same as you have upon your hackney coaches; I should add, "License so many feet for so many months;" any poor man would know, who saw steam coming out of a malting where there was no board upon it, that they were doing wrong; it would be like getting into a hackney coach without a number. "Where is your number; where is your license?" He would say to himself, "I can go and get 100 *l.* by informing against this man." I can see no distinction between the power of evading the duty now, and the power there would be then; in short, the duty is notoriously evaded at the present time. Maltsters have told me, who profess to be honest maltsters, that they pay 25 per cent. more than others do.

4217*. Did not the maltsters object to your scheme on the ground that they should have to make a return of the quantity of feet that they should employ in their kilns before they knew what would be the yield of the harvest?—I never heard of any definite objection by the maltsters, You will find in one of the reports
that the Board say that they have in
certain maltsters, at certain places; they
mention whom, and that they do not fi
any of them are in favour of the plan. B
is Mr. Blizard, at Tewkesbury, who com
ward openly and advocates it. I happene
talking to a man yesterday, who is a mill
maltster, and when I told him that I was
up, he said, "I hope you will not forget
am strongly in favour of your plan."

4218. Mr. *Arthur Peel.*] You said tha
never heard any complaints from the mal
it occurs to me that the maltsters might
make this complaint: it is very unfair I
bind myself to pay a certain sum when
not know the demand that will arise for
—There has never been any falling o
years in the demand for malt.

4219. You would not know the num
competitors you would have in the course
year?—I do not think there would b
slightest fear whatever about that. I fin
the maltsters have no fear upon that gr
and that the small maltsters feel that the
entirely in the hands of the large maltster
the brewers. There is one point with
rence to the drawback, which is clearly a que
of detail to be settled, and which would per
be one you would have expected the Boa
suggest; but it never did suggest it until I
tioned it to Mr. Gladstone. Having taken
the fixed duty upon the malt, there woul
no fixed duty to calculate the drawback
Now the drawback is calculated by a sa
rometer; the ale is gauged, and they see
much malt there is in a particular barrel.

4220. *Chairman.*] It is all done upon the
is it not?—No; it is done upon the beer,
exported. I suggested to Mr. Gladstone
instead of the Inland Board taking upon
selves to fight the battle of the maltsters,
they should leave the maltsters to fight
own battle, and that they should only atte
their own business, which was to see that
revenue was not imperilled. I suggested
fore that they should consider about the
back, and it is only in the last memorandum
that is noticed. It would be necessary
fore, having done away with the fixed duty,
either Parliament or the Treasury, or the
cellor of the Exchequer, should be allowed
the drawback for the year, taking care of
on the one hand, not to give a bounty, an
the other hand, not to stop the exporting tra

Mr. JOSHUA FIELDEN, called in; and Examined.

Mr. *J. Fielden.*

4221. *Chairman.*] You live at Stansfield Hall, Todmorden, do you not?—I do.

4222. You are a large merchant and manufacturer?—I am a cotton manufacturer and a merchant, a member of the firm of Fielden Brothers.

4223. You employ somewhere about 2,000 hands in your works, do not you?—We do, when all our machinery is at work; we are not employing that number of hands at the present time in consequence of bad trade. We employ about 1,500 hands now.

4224. But when you are in full work you employ upwards of 2,000?—We do.

4225. You have turned your attention very much to the malt tax, have you not?—I have.

4226. Do you think that the labou
classes of this country have a great grievan
the malt tax?—I do think they have a
great grievance in it.

4227. Are you of opinion, that while all
taxes have been reduced so far as possible,
due regard to the revenue, that the malt tax
been left untouched?—I am.

4228. Yes, you think that is extremely un
and presses very heavily upon the labou
classes?—I think, before we reduce the duty
French wine, the luxury of the rich, we oug
have taken the duty off the poor man's beer.

4229. Is it your opinion that the tax,
levied, is equal to 70 per cent. upon the pri
barley, taking it at 31 *s.*?—21 *s.* 8 *d.*, which

luty, is exactly 70 per cent. upon that price
.cy.

0. I believe you think that beer brewed at
can be brewed very cheaply? — Very
y.

l. And you also think that the cost of the
g can nearly, if not quite, be paid for by
crease obtained from the barley?—I am
d, from the inquiries that I have made, that
e were no malt tax, malt would be sold at
me price as barley.

2. On what do you ground your opinion
hat subject?—I ground it upon opinions I
got from maltsters, in Yorkshire especially.
in the first place, the increase varies from
12½ per cent. In the Encyclopædia it
at nine per cent., and we may take that, I
e, as the representation of men fully quali-
give an opinion. I have heard it stated,
h as 12½ per cent.; but there is no doubt
this, that in many parts of the country the
ers have taken a quarter of barley, and
eturned a quarter of malt, plus the duty.
rother-in-law, Mr. Cobbett, tells me that
Moren, who was a farmer and tenant at
es, where he lives, told him that his father
would let them have the increase; he
s paid them for the malting, and took the
se.

3. Thereby showing more clearly that
was a considerable increase?—Yes. Mr.
, a very large farmer in the north of York-
who is thoroughly acquainted with all
operations, says that it depends upon the
of the barley, which of course it will do.
ley is very low, the cost of manufacture
the same, the increase will not amount to
uch money as if the price of barley is
r.

4. Is it your opinion that the tax increases
ssure at every stage of manufacture?—It
do so. I have here a pamphlet I wrote show-
n simple figures how the tax must increase,
had Mr. Gladstone's support on this view (I
ot say as to the actual figures) when I went
leputation to him. He admitted that a tax
upon the raw commodity must increase in
ure at every stage through which it passed,
very hand through which it passed. I wrote
pamphlet to show the principle, though it
not be accurate in detail. I say that the
nt of the tax is 21 *s.* 8 *d.* I take the malt-
charge for interest upon the tax which he
at 5 per cent., and his profit at 10 per cent.;
makes a charge of 15 per cent. upon the tax,
brings it to 3 *s.* 3*d.*; that makes the duty
ed by the maltster to the brewer to 24 *s.* 11 *d.*
brewer's charge on that which he pays to
altster I put down at 15 per cent., that is
d.; the tax charged by the public brewer
e retailer will be 28 *s.* 8 *d.*; the retailer's
e upon the tax I put at 10 per cent., that
10 *d.*, making the tax charged to the con-
r by the retailer 31 *s.* 6 *d.*; while the amount
goes into the Exchequer is only 21 *s.* 8 *d.*
illustrates the principle of the increase of
tax. The rate of interest and profit are
I consider, as a man of business, a fair
n for a man to have upon his investment.

35. How much per cent. of tax does a per-
pay who malts and brews at home?—He
d pay 25 *s.* In cottage brewing it is dif-
nt. What I have given you is the amount
h the maltster charges. I can give you the

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amount that the cottager actually pays in the shape of tax. I may mention, for the information of the Committee, that in Lancashire and Yorkshire, on the borders of which I live, cottage brewing is carried on to a very large extent. This seemed to be disputed by many persons, and I took the trouble to have these townships visited.

4236. Round Todmorden?—Three townships round Todmorden; one in the neighbourhood of Halifax, one in the neighbourhood of Huddersfield, one in the neighbourhood of Leeds, and one in the neighbourhood of Bradford.

4237. All of them large manufacturing towns?—These are not in the towns, because in the towns there is, I believe, little or no cottage brewing, but it is in the neighbourhood of towns; I found out of 9,822 families visited, there were 7,459 who brewed at home. There were 735 who would have brewed, but they could not afford to do so; there were 597 who bought beer, and there were 1,031 who did not drink beer.

4238. That information you are perfectly certain is correct?—I am quite satisfied that it is correct; I selected a man in whom I had great confidence; it took him a long time to collect, but it was collected by actually visiting every house; the result of it put into a per-centage is this: 76 per cent. of the inhabitants of these townships brew at home; 8 per cent. would brew if they could afford to do so; 6 per cent. buy beer, and 10 per cent. do not drink beer.

4239. Will you kindly tell us what class of people those were?—Most of them are cottagers.

4240. Are they employed in agricultural labour, or are they hands in mills?—They are principally employed in mills and stone quarries, and that kind of work which goes on in the valleys lying on the borders of Lancashire and Yorkshire; there is really no agriculture country, except small farms, where the farmer farms 20 or 30 acres, and sends his children to the factory.

4241. In what year was that return made?—It would be in the winter of 1865 or 1866.

4242. What wages do those men earn?—They earn various wages; the wages of a family are made up largely by the children; a labouring man will get his 16 *s.* a week; then his daughters, if they are weaving, will get their 14 *s.* or 15 *s.* a week each, many of them; sons, who are weavers, will get their 18 *s.* and a 1 *l.* a week, and if they are not weavers, they would get 12 *s.* to 14 *s.* a week each. The daughters, who are not weavers, will get from 9 *s.* to 11 *s.* a week each. The men employed in the mills in other ways get 13 *s.* or 14 *s.*

4243. Is there much drunkenness in those neighbourhoods?—There is a good deal of drunkenness.

4244. Do they get drunk at home?—No; that is one of my arguments, and is a strong point, that the persons who brew at home are not intemperate.

4245. Do you think those people go to the public-house as well, or are they satisfied with the beer they get at home?—The people who brew at home, as a rule, do not go to the public-houses; sometimes they do, but, as a rule, they do not. The people who go to the public house go, in the first instance, to get a glass of beer, perhaps, on Saturday, because it is not brewed at home, and then they get in the habit of going there, and become a lower class of labourers.

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4246. If

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4246. If you had had time to have persevered with your inquiries, do you think you would have found the same results in other hundreds in those localities?—I think so in that locality. In Oldham I know from conversation that brewing is carried on, and about Rochdale the same observation applies.

4247. Your opinion is, that if the malt tax were repealed these people would naturally be very much benefited?—Very much indeed. I can tell you how they will be benefited; I may say that they brew in very small quantities.

4248. What quantities do they brew now?—They brew from 5 lbs. to 15 lbs.; I should think 15 lbs. is the extreme quantity of malt which they use at once.

4249. Is it the wife who generally brews?—Yes, almost always. I have a number of cases taken out to show the cottage brewing, and recent inquiries have shown that my view is correct, that it does not cost anything to brew, except the malt and hops. There are several cases which I can hand in to the Committee if they like to have them. This is a return of persons who brew at home, and divide the produce of their brewing with their married daughter or married son. A mother, who has a married son or a married daughter, will brew at home, and divide the result of her brewing with her married son or married daughter, they paying only their proportion of the cost of the malt and hops. I can mention here a very remarkable case of a woman who only brews 2½ lbs. of malt a week, and brews it in a kettle; that goes on week by week, and month by month, and year by year. It is rather an exceptional case, although the 2½ lbs. brew is rather a small amount.

4250. So that there is such a thing as kettle brewing?—Yes. If the Committee would like to see it, I have a plan here of fire-range in which the operation is carried on (*handing a tracing to the Chairman*). There you see the plan upon which it is done; all the fire ranges in our country are made on that plan; there is a boiler on one side, and an oven on the other side, the fire being between. The operation of cottage brewing is performed in this way. On the Monday, the housewife washes, and whilst she washes she brews. She puts her malt in a large mug, or wooden vessel; then she puts the water on; and while the mash is going on she is doing her washing. She then runs it off and puts the hops to it. By that time she has done her washing, and she empties the boiler of the water and puts the liquor in and boils it. After it is boiled it is taken out and put together, as they call it, with yeast or barm, and the beer is eventually made, and tunned, perhaps, into two earthern vessels. The cost to them of the utensils is very trifling. I have a list here, given to me by a labouring man who has always brewed at home. Hearing so much about the great expense that brewers are at for the wear and tear of utensils, I made inquiries, and I find that the whole cost of the apparatus required, exclusive of the boiler which is always in the cottages, is 6 *s.* 3 *d.* This man who gave me this statement told me that his wife had brewed for 20 years with the same utensils. He puts down the brewing tub at 2 *s.*; he bought his brewing tub second-hand for 1 *s.* 3 *d.*; that will show that the cost of materials is not great.

4251. I should like you to state from your own experience whether you think the persons who brew at home are the most steady and industrious of the labouring population?—I am
satisfied that they are; I will give you a
count, if you like, which I made out, of wh
beer costs the labourer now with the mal
and what it would cost him if the malt tax
repealed; 15 lbs. of malt, now taken at
bushel, would come to 3 *s.*; 3 ounces of hop
1½ *d.* an ounce, would come to 4½ *d.*; that m
3 *s.* 4½ *d.*; from that 27 quarts of beer, bein
the rate of 18 gallons per bushel, is made,
the cost is therefore at the rate of 1½ *d.* per q
Now, without the tax, the result would be
15 lbs. of malt, at 4 *s.* per bushel, 1 *s.* 6
ounces of hops, as I said before, 4½ *d.*; th
1 *s.* 10½ *d.*; the 27 quarts would then cost a
over three-farthings a quart, showing that the
tax to the labouring man is really a tax of ne
100 per cent.

4252. That would be about 3 *d.* a gallo
Yes.

4253. Therefore, you agree with the last
ness we had that good beer can be made
3 *d.* a gallon?—This is what they do make
is a very good wholesome beer; it is not
strong, but it is very wholesome, and they
it; it would cost three-farthings a quart wit
the malt tax, and 1½ *d.* with the malt tax.
6 *d.* a gallon with the malt tax, and 3 *d.* a ga
without the malt tax.

4254. Did you ever taste any of the beer
Yes, often.

4255. Is it good beer?—It is nice beer; it
not clear, but it is very wholesome, good, r
freshing beer; I have sometimes called at a far
house, when I have been walking over the hi
and they have often offered me a glass of be
I may mention that a great deal of oatmeal
ridge is eaten by these people for their bre
fast and supper, and they very often take
with their porridge instead of milk; to a p
labouring man who has a family, it would be
immense boon; if he could get the beverage
three-farthings a quart instead of 2 *d.*, which
has to pay for his milk.

4256. You think the statements of Mr. Mil
Gibson and Mr. Gladstone about the pressure
the malt tax were not correct?—I am perfe
satisfied of that; I cannot understand how
Milner Gibson could arrive at such a result as
has, because if you are to take the price at wh
an article such as beer goes into the market
consumption, and calculate the per-centage u
it, you arrive at a very unfair conclusion,
not a conclusion at all to be relied upon. He
in the first instance, the tax is admitted by
Cobden to be 60 per cent., but it is 70
cent.; that tax is paid away out of the pockets
those who use it, and it must go on increasing
every stage through which it passes; therefo
to say that the tax is only 12½ per cent. must
wrong on the face of it, without any examinat
at all. Then I may mention that the statem
of the 12½ per cent. was made, not *per se*, as
were with reference to the pressure of the
but it was made in order to institute a compari
with other things.

4257. Are you equally of opinion that in
foreign products the calculation was equa
wrong?—I think it was equally wrong. I c
give them if the Committe like. With regard
tea, Mr. Milner Gibson and Mr. Gladstone b
said that the tax on tea was 50 per cent. If y
take a calculation on the consumed article of t
as I have done in this pamphlet, and reckon

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of water, sugar, and milk which is sold of tea over the counter, you will find tax only came to 5 per cent. at the time d it was 50 per cent. It is now only ent., because the duty has been reduced 1 *s.* to 6 *d.* per lb. So, with regard to her articles, the tax on champagne I am l to prove was at the time only 11 per d now it is only 4½ per cent; it has been from 2 *s.* 6 *d.* to 1 *s.* per gallon. The tax s only 25 per cent., taking it on the raw . The tax on sugar varies very much: w about 34 per cent. I really was asto- that such statements could be made by who had an opportunity of getting the e information which Mr. Milner Gibson ve had, and that they should be reiterated, by Mr. Gladstone, who did the year after e them, and say that Mr. Milner Gibson's nt was a rigidly just statement. It will r the light of day if any one looks into

Have you thought of any substitute for t tax?—Yes; I have thought very much I have always been opposed to a substi- cause I think that the national beverage ntry ought to be untaxed; but, seeing e tax amounts to seven millions a-year, I id it is a hopeless case to attempt to get it d without a substitute.

. Were you a free trader?—Free trade fore my time almost; but I always there ought to be an equalisation of s before we allowed free trade, and that ht to have the malt tax repealed, and give ners a fair field as well as no favour.

. You think the malt tax ought to be re- so as to give the farmer as fair a field as lf?—Yes, I think so.

. What should you propose as a substi- r the malt tax?—I would propose an in- in the brewer's license.

. Are you of opinion, with most of the ses, that a brewer's license would be the ubstitute, supposing a substitute is bound iven?—Yes; it is the only way of doing t present there is a brewer's license of three barrel, and it is only increasing the license t will make up the same amount as the ax. At present the brewers' license is on the quantity of malt consumed by the ; that is taken at two bushels to the barrel. ake the malt tax, and put it in that shape, uld get the amount of 5 *s.* 5 *d.* a barrel. If mmittee wish it, I will read to them a ent which I have here, showing that the brewer would not suffer in any way, but benefit largely by the substitution; a r of malt, without tax, will cost 36 *s.* 6 *d.*, the Return I hold in my hand, being erage of 10 years; I cannot give the of the persons from whom I have re- them, because they requested that I not do so. Assuming, as I do, that a r of malt would be sold at the same price arter of barley, it could be bought by the brewer at 36 *s.* 6 *d.*; 10 lbs. of hops, is the amount given by Mr. Pryor as the t consumed for a quarter, at 1 *s.* 3 *d.*, comes . 6 *d.* I might take Mr. Allsopp's own and say that would be the cost, exclusive ailing, at which they ought to sell beer, e Mr. Allsopp says, that the private brewer compete with the public brewer; in other words, that the public brewer can deliver to the private brewer cheaper beer than he can brew, I think that arises from not knowing what the private brewer can do; therefore, I take Mr. Pryor's own assertion, that the cost of brewing comes to 28 *s.* a quarter; that makes 3 *l.* 17 *s.* for the cost of brewing a quarter of malt; to that we must add the brewer's license on eight bushels, or four barrels, at 5 *s.* 5 *d.* a barrel; that is 1 *l.* 1 *s.* 8 *d.*, the same as the present malt tax. The total cost of brewing a quarter of malt into beer, including the license, would be 4 *l.* 18 *s.* 8 *d.* According to the same authority, Mr. Pryor, 3½ barrels, or 126 gallons of beer are brewed from this amount, and those figures will give a result of 9½ *d.* per gallon. Then Mr. Pryor told the Committee, moreover, that the amount allowed for retailing is 40 per cent., and 40 per cent. on 9½ *d.* is not quite 4 *d.*; that would give the price at which beer ought to be sold over the counter, after the proposed alteration, at 13½ *d.* per gallon, or not quite 3½ *d.* per quart. The very worst beer, the beer that is sold in the lowest public-houses or the lowest beer-house, is now sold at 1½ *d.* a glass; if you buy a glass of beer at a refreshment room you have to give 2 *d.* or 3 *d.* for it; but taking the lowest class at 1½ *d.* a glass, that is 6 *d.* a quart; and after the substitution, according to the brewers' own showing, they ought to sell it at 3½ *d.* a quart; the difference represents a tax of 71 per cent.

4263. In your opinion, even supposing the public brewer were taxed alone with the present amount of the malt tax, it would not injure him the least in the world, and the revenue would not suffer?—The revenue would not suffer. There are about 51 million bushels of malt brewed by the public brewers.

4264. The Return states the total quantity of bushels of malt on which the duty was paid in 1856 was 52,280,000; the public brewers used 51,000,000 bushels, and the private brewers and other people used 1,280,000 bushels?—That would give twenty-five and a-half million barrels of beer; if we increased the brewers' license to 5 *s.* 8 *d.*, which would be 5 *s.* 5 *d.*, and the 3 *d.* per barrel which is now charged, it would represent 7,225,000 *l.* revenue; we must deduct from that the malt tax which produces 7,090,000 *l.*, and the brewers' license, which produces 395,000 *l.*, that makes together, 7,485,000 *l.*; the loss by that, according to the alteration, would be 260,000 *l.*

4265. Mr. *Ayrton.*] What is the 5 *s.* 8 *d.* for; is that per barrel?—Per barrel.

4266. Per two bushels of malt?—Two bushels of malt are now taken by the Excise to brew a barrel of beer.

4267. Do you mean 5 *s.* 8 *d.* per two bushels of malt?—Yes, that is so, instead of 3 *d.*; the 5 *s.* 5 *d.* represents the present malt tax of 2 *s.* 8½ *d.* a bushel, and the 3 *d.* represents the present brewers' license. I may mention that that shows a loss; but if the figures which the brewers have given themselves to the Committee can be relied upon, it is clear that a great reduction in price would occur, and the consumption, of course, would be enormously increased; there- the revenue would be fully recouped, and more than recouped, by the operation.

4268. *Chairman.*] Do you see any objection to taxing, in some way, the private and cottage brewers?—I am very much opposed to that; the cottage brewers I am sure you cannot tax, and I think it would be a gross injustice to them; cottage

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cottage brewing is a habit which tends to promote good conduct and sobriety, and therefore it ought surely to be encouraged, and not taxed.

4269. Supposing the Government should determine that the malt tax was to be abolished, and a brewers' license substituted, and that certain machinery should be put in force so as to collect the revenue from the private brewer as well, should you see any objection to that?—I should object to cottage brewers being taxed.

4270. And not to the private brewers being taxed?—Rather than have the malt tax, I would prefer to tax the private brewer.

4271. Rather than have the malt tax, would you prefer to tax both the cottage and the private brewer?—Yes, I should, if you put it in that way; but I think the malt tax is the worst tax that was ever levied.

4272. You think that, even supposing the cottage brewer was not taxed, the public brewer would not have any right to complain, as he would have to pay nothing but the present tax?—No, I think they ought not to complain.

4273. You look forward to a large increase in the consumption of beer, and the license being proportionably reduced?—Yes, to an amount which would enable the Chancellor of the Exchequer to take it off by degrees, if Parliament thought fit so to do.

4274. You have gone very closely into this question, and you believe the brewers' license is the fairest tax that can be imposed, supposing a tax is necessary to replace the malt tax?—Yes, I believe so.

4275. Sir *Edward M. Buller.*] In point of fact, your proposal would amount simply to the payment of the malt tax by the brewer, instead of by the maltster?—Yes.

4276. And you would anticipate that the tax which is now paid by the brewer, if the whole of it found its way into the Exchequer, would be sufficient to compensate for the repeal of the malt tax, and that you would be able to relieve the private brewer and the cottage brewer altogether from the malt tax, without at all diminishing the revenue?—My figures show, that there would be a loss to the revenue of 260,000 *l.* out of 7,000,000, therefore it is not an appreciable loss.

4277. Would it not, in your opinion, give a great stimulus to private brewing, so that the quantity brewed by the public brewers would be diminished, and the revenue would fall of?—I think this would be the result: a great many cottagers would brew where they do not brew now, and some persons would brew where they do not brew now; but in the large towns, where an increased consumption, owing to the reduction in price, would take place, they would still consume the beer brewed by the public brewer.

4278. Mr. *Henry Surtees.*] Is the Mr. Booth you referred to to-day, the Mr. Booth of Killerby?—Yes.

4279. Does he use malt for feeding his cattle?—I do not think he does; I know he is strongly in favour of using malt for feeding cattle, and he may have used it when he has been showing animals; but his opinion is, that it is impracticable to use it remuneratively with the malt tax, although it would be very beneficial if the malt tax were taken off.

4280. Mr. *Read.*] We have had several witnesses who tell us that the malt tax is 2 *d.* a gallon on beer; I suppose you would consider it to be a very great deal more?—I consider it be a very great deal more. The amount of upon beer depends upon the amount of wa you may put to it; the amount of beer you ma from a certain quantity of malt.

4281. In no way could you make it as li as 2 *d.* a gallon, unless you considered that consumer simply paid the malt tax at the ti he drank the beer?—That is the way at wh it is arrived at. I have another calculation h of what it costs me at my own house to brew. brew six bushels at a time, and I find that with malt tax it costs me 2 *l.* 19 *s.* 10 *d.*, or 8 *d.* a gall I make 90 gallons from that, and without the it would cost me 1 *l.* 17 *s.* 4 *d.*, or 5 *d.* a gall showing that the tax is 3 *d.* a gallon.

4282. Mr. *Arthur Peel.*] Beer made in a ket in a cottage costs 1½ *d.* a quart, does it not Yes.

4283. What is the beer selling at in the pub houses in your neighbourhood?—At 3 *d.* a qua that is the regular price for the worst kind beer; you cannot get anything under 3 *d.* quart.

4284. Mr. *Ayrton.*] Is the kettle beer of t same strength as the other beer?—Well, I ca not tell you what the strength of the beer is; know I would rather drink the kettle beer th the other.

4285. Is there no such thing as 1½ *d.* be sold in the part of the country from which y come?—No.

4286. You do not know that there is an Ac of Parliament about the sale of it?—I do not.

4287. You do not know that everybody ma sell it without a license, and make it?—No.

4288. But these people can make it, you say —They do make it.

4289. They do not take advantage of th facilities which are given to them to make it an sell it?—They do not sell it; except that the is a custom that goes on to a slight degree what are called hush shops, which are situate on the edges of the moor: I believe they sell be illegally, but at what price they sell it I do n know; but if they are caught the police com down upon them and they are fined.

4290. Will you explain your theory that th Revenue is not to suffer by the transfer of th duty to the malt consumed by the brewe although the private brewer is not to pay th duty as he does now?—I do show it by the R turn. The present Parliamentary Return show that 25½ million barrels had been brewed in th year 1866, which would have given a revenue 7,225,000 *l.* at 5 *s.* 8 *d.* a barrel; deducting th amount produced by the malt tax and the brewer license in the same period, the loss by the altera tion would be 260,000 *l.*

4291. You mean that the revenue would onl suffer to the extent of the malt used by the pr vate brewer?—I do not know to what extent would suffer.

4292. It would be exactly in proportion to th quantity of malt consumed by the private brewer —I do not know that.

4293. If he now pays so much, and he woul not pay it then, the loss would be exactly in pr portion to what he used to pay for it?—That i the loss; I cannot give you anything more tha the figures.

4294. If you were to give everyone in th country a premium of 5 *s.* 8 *d.* for every tw bushels of malt that were privately consumed

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, do you not think a good many more
would engage in private brewing than
so?—I believe cottage brewing in our
the country would increase; but I believe
ease would be made up of persons who
brew now, because they are too poor to

You think cottage brewing is a great
, and you would like to see it increased?

And this premium you believe would
at increase?—I do.

And the more it increased, the more
our views be carried out?—Yes.

And the greater would be the blessings
portion of the community who would
y brew?—Yes.

And the greater the injustice to the
the community who have to pay the tax?
I do not think that.

You think that it is no injustice that,
one man lives in a house where he
privately brew, and another lives in a
here he can privately brew, that one
pay the duty and the other should not?—
er could brew if he liked.

You think you could privately brew if
ed in a row of cottages in London or
ster?—I know they do brew in rows of
s in Todmorden.

. Every one brews his own beer?—A
any of them do.

. How much does a man brew in one of
ottages?—I stated to the Committee that
s one person in Todmorden who brews
a week; the most that is brewed in a
is 15 lbs. a week.

. How much would that be in bushels in
?—That I have not calculated.

. How many pounds go to the bushel?
y pounds.

. That is 19½ bushels a year?—I suppose
ave not gone into a calculation.

. At 2*s.* 10*d.*?—2*s.* 8½*d.* is all that they
pay at present.

. That is 55*s.* 3*d.*, which the person you
scribed as consuming 15 lbs. a week, would
pay?—It may be so, I have not made the
tion.

. In the year, if he paid the duty the
s other people, he would pay 55*s.* 3*d.*?—I
e so.

. That would be your proposal, that every
who desired it should exempt himself from
d. a year taxation which he would other-
ay, as compared with the rest of the com-
; is not that so?—According to that Re-
e would pay 55*s.* 3*d.* a year less than he
ow.

1. That would be a remission of taxation
ry individual who set up his own kettle of
d. a year?—Yes.

2. And you think that is a reasonable and
ode of levying taxes upon the people?—I
it would be the wisest thing the Legislature
possibly do.

3. Possibly you consider that beer is some
blessing to mankind, and everybody who
ought to be exempt from taxation?—I
beer is the natural beverage of the country,
is essential to the health of a working
nd to his wife, especially if she has children,
so to his children to have beer.

4. Have you ever discovered that there is any want of health in the people of Ireland, who do not drink beer?—I have only once been to Ireland, but from the accounts that come from that country they are not very well off; they are in a miserable condition.

4315. Do you think that arises from their not drinking beer?—I think they would be better if they did drink beer.

4316. You think that is the cause of the misery of Ireland, that they do not drink beer?—I think the cause of the misery of Ireland is the want of a good poor law and the low wages that are paid.

4317. Are you aware that they have a much better poor law than we have in England?—I am certain they have not.

4318. Have you examined the question?—I have.

4319. Do not you think it would be a great blessing to the labouring poor of England, especially to the agricultural poor, if they had the Irish Poor-law to improve their morality?—I think not.

4320. You think they are better at their present standard of morality as regards public charity, than if they were elevated to the standard of the Irish people?—Certainly.

4321. What do you think of the condition of the people of Devonshire; do you think they are in a very deplorable condition because they do not drink beer?—I think they would be better if they did drink beer.

4322. Are you of opinion that the people of Devonshire are inferior to the people of Essex, because they do not drink beer?—No, I think, generally speaking, the labouring people in the agricultural districts want more food and more nutriment, and many other things; that they want more beer, and that the reason they do not get it is because they have not got wages sufficient to buy it.

4323. You seem to have an idea that beer is food and nutriment?—Certainly.

4324. And the more people drink of it the better they are, probably?—No, I think it must be taken in moderation, like everything else.

4325. Do you think that if a man eats as much beef as he can at a meal, he would be the worse for it?—I think he might eat too much beef.

4326. Or bread?—Or bread.

4327. You never knew such a thing happen, probably?—I have seen the effects of over-eating as well as of over-drinking.

4328. Amongst working people?—They do not often get too much to eat.

4329. Did you ever see the effect, amongst them, of drinking too much beer?—Yes, too much public-house beer. I do not think I ever saw the effect of drinking too much home-brewed beer.

4330. Have you seen them drink too much harvest beer?—That is generally public-house beer. I may state, for the information of the Committee, that some years ago I was altering my house, and at hay-time I could not brew for the haymakers, and I bought the best public-house beer I could get, or that which was said to be the best, and the men complained of it badly; they said that it made them thirsty; it made them inclined to drink more, and the next day they did not feel up to their work. I always brew and supply beer to them, and give them almost as much as they like to have, and I never saw the men get drunk on that

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beer; they always say that it does them a great deal of good.

4331. Your view is that public-house beer is rather pernicious?—Public-house beer is not good, as a rule.

4332. And it is pernicious to society generally?—It is not so good as home-brewed beer.

4333. Is it your view that it is rather desirable there should be some premium given to dispense with public-house beer?—I think the effect of repealing the malt tax, or in any way reducing the price of beer, would be to do away with adulteration, and to cause a greater competition amongst maltsters and brewers, and that competition would lead to a reduced price and a better article.

4334. How do you make out that taking off the malt duty would prevent adulteration?—The higher the price of commodities from which any article is manufactured, the greater the inducement to adulterate it.

4335. But, on the other hand, are not the articles adulterated just in proportion to the power of adulteration before they are purchased by the consumer; is not that the cause of adulteration?—If you make a thing which adulterates as dear as the thing adulterated, there is no inducement to adulterate.

4336. If the money received by the seller is less by reason of the article being cheaper, is not his per-centage of profit so much the less, and is not it therefore necessary for him the more to adulterate, in order to obtain the same amount of profit?—If you reduce the price the increased consumption will give him his profit, although he has a less profit on each individual transaction.

4337. Would not the inducement to the seller be just as great to adulterate, providing he could get a consumer to pay for the adulterated article the same as for an unadulterated article?—Yes, and against that comes the competition; and one thing that would give a man an advantage over another in selling beer would be the better quality of the beer which he sold.

4338. Does not that motive exist now as much as it would if the tax were taken off?—The price of malt is higher, and the motive is stronger.

4339. Would it not also be a great inducement to the consumer, if the price is high, to take care to get a good article?—One would think so.

4340. But unfortunately it does not happen according to your view now, and why should it happen when the article is cheaper, and the motive less on the part of the consumer; does not it all come to this, that dishonest tradespeople, in the desire for profit, will adulterate up to a point upon which they can impose upon their customers?—They will adulterate if they find it pays them, and the higher the price the greater the inducement to adulterate.

4341. If the motive of adulteration be reduced, does not it necessarily follow that when the price is lower, and when they receive less money, there is a greater motive to adulterate in order to get the same or more profit?—I believe at one time chicory was much cheaper than coffee; coffee was adulterated to that extent that chicory became the price of coffee, and then they ceased to use it.

4342. Is not the reason why they ceased to adulterate with chicory this, that a duty has been put on chicory to such an extent that chicory
and coffee are the same price, and there i
motive to sell one in preference to the other
Yes.

4343. Unless you put a tax upon water wh
would make it the same price as beer, the mot
would still exist as now; if you get the price
beer down to the level of water, there would
no motive to adulterate?—There are other thi
used besides water.

4344. That is an element of adulteration
Yes; if it were only water it would be compa
tively harmless.

4345. Are not the other things put in mer
to cover the flattening effect of water on
beer?—I do not know.

4346. Are you aware that because water ter
to flatten beer, artificial stimulants are put i
the beer to counteract the flattening effect of
and that is the reason for using them?—I
not at all conversant with the way in which th
do adulterate.

4347. Mr. *More.*] Were you surprised to fi
the proportion of private brewers so high in th
inquiry?—I did not think it was so high as
appears to be.

4348. Yorkshire is rather an exception
county; would you expect those figures to
taken to any extent as the test of what woul
be the probable proportion in other counties?-
I think in all these valleys, and the hilly di
tricts on the borders of Lancashire and York
shire, that the same custom prevails. I think
the reason is this, there is no doubt that it is
fact which cannot be disputed, that the habit
cottage brewing did almost universally preva
at one time in England. I think the reason
went out of practice in the agricultural district
was owing to the great distress which existe
towards the middle and close of the last centur
and the imposition of the malt-tax also, whic
came in about the same time. But in the norther
districts, although the handloom weaving wa
superseded by the powerloom weaving, the chi
dren of the handloom weavers, who suffered mat
rially, replaced the income that was lost by th
head of the family, and, therefore, the habit di
not go out, owing to better wages. I think if th
agricultural labourer had had the good wage
which our people have had, he would still hav
kept up the practice of brewing.

4349. As a cotton manufacturer, you think th
malt tax is as unjust as a tax would be upo
your raw material?—I put it exactly as a mal
tax case; it is the conversion of yarn into cloth
it is the process of manufacturing.

4350. Were you aware that Mr. McCulloch
stated that all the arguments brought against the
taxation of raw material in calico in the yea
1831, might *mutatis mutandis* be equally applie
against the malt tax; do you coincide with tha
opinion?—I have not seen that opinion.

4351. You think that the malt tax presses wit
greater severity upon the labouring classes?—
Yes, because they are the largest consumers o
beer.

4352. To what extent do you think it acts in
juriously to the interests of the agriculturists: d
you think that the farmers of Yorkshire are
generally of that opinion?—Yes; petitions have
been got up from Yorkshire against it, and I have
met the farmers at the Anti-Malt Tax Associa
tion at York, at their periodical meetings, an
they are very anxious about it; they feel it to be
a great grievance.

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3. Do you find any other opponents of the besides maltsters and brewers; have you ieard any general opinion of the inhabi- of towns in favour of the malt tax, and t the repeal?—No; there is no feeling at ut it in the manufacturing districts; and ason I believe is this, that they do not that there is such a thing as a malt tax; house-to-house visitation of which I spoke, the person I selected to go round, men- that there was such a thing, the people mazed; they did not understand it. They would be a great blessing if they could eir malt cheaper.

. The inhabitants of towns have not taken nt interest in the question to discuss the of any substitute?—No, they take no t in it; they have never given their atten- it.

5. The question of a substitute is a part of iestion which has been least of all con- l generally; is not that your opinion?—I say that it is; the farmers as a rule have n for the repeal.

5. Therefore we may regard it as prac- , upon the face of the question, a point has hitherto been very little considered? ias been considered by some people; but ot think that the country, as a rule, have attention to it.

7. Therefore you would not be surprised difficulty expressed by witnesses who have ered the question, as to whether it would sible to supplement the tax by brewers' s?—The only persons that have expressed pinion, and who really would be affected are the public brewers, and they seem not ject to it, if it were put upon private ng.

8. Has the question of putting it upon e brewing received much consideration in shire?—No; I do not think it has.

9. Mr. *Stephen Cave.*] Do you know any- about the ingredients used for the adul- on of beer?—I do not.

0. Nor of the cost?—No.

1. Then you cannot tell how low you must the price of beer, in order to make it fitable to adulterate?—No; I cannot tell

2. In reference to your computation about roduct of the tax if transferred to public ers, would not it be liable to be thrown out e great increase you anticipate in the num- f private brewers?—No; as I have stated, nk an increase in the number of cottage ers would result from people brewing who t brew now.

3. Those people who do not brew now are people who are the customers of the pub- ?—No; I think many of those would go ut there are a great many people in our dis- who are too poor to brew, and who would if the malt tax were repealed.

64. Are not those people the customers of ublicans?—No.

65. Do they do without beer altogether?— largely; sometimes they go to the public- es, but not often.

66. I suppose there are a very large number stomers of the publicans in your district?— there are, unfortunately.

67. Do you fancy that many of those would me private brewers?—I think those would go on as they do; I think they have got into the habit of liking the public-house; it is not the beer they like, but the public-house.

4368. There are three classes; the people who now brew, the people who drink the public house beer, and the people who do not drink it at all?—Yes.

4369. And it is the third class only that you think the change would operate upon?—Yes.

4370. Is it a numerous class of people who drink no beer at all?—No.

4371. Then the effect in your district would not be very great?—No; I think that those who now brew would brew more and oftener; they would drink more beer and they would use more malt.

4372. How do the people who brew in cottages keep the malt and hops?—They buy from the shopkeepers as they want it.

4373. Only from hand to mouth?—Yes; they go for five, ten, or fifteen pounds of malt, and use it immediately.

4374. Is that from the general shop in the village?—It is.

4375. They keep malt and and hops?—They do.

4376. *Chairman.*] Do not they pay much more for their malt by buying such small quantities from the shopkeeper in the village?—The shopkeeper charges 10 per cent. for retailing it.

4377. Ten per cent. over and above that at which it is sold to the brewer?—Yes; he buys his malt from the maltster, and he charges 10 per cent. upon what he gives to the maltster.

4378. Your opinion is, that the people who brew now in your part of the country is a very large class indeed?—Very large.

4379. And if the malt tax were repealed, they would be benefited to the extent of 100 per cent.?—Yes.

4380. They would brew their beer for 3 *d.* instead of paying, as they do now, 6 *d.* for it?—They would.

4381. But the great question is, whether the malt tax is injurious, and if, as we believe it is, injurious, whether some fair substitute cannot be put on in its place?—That is my opinion; we cannot take it off altogether.

4382. And after turning your attention most carefully to that, you have come to the opinion that a brewers' license is the fairest thing that can be put on as a duty instead of the malt tax?—I am satisfied it is so.

4383. Major *Parker.*] Notwithstanding that cottagers brew at home, and pay 10 per cent. more for their malt than the brewers, do you consider it is looked upon by them as a great advantage to brew at home?—Certainly, it is a great advantage.

4384. And the quality of beer so brewed is better than they could get at the same price at the beer shop?—It is much better beer and costs less; I may mention, as a fact, that the people who do brew at home do not go to the public-houses; they have not the inducement that the people who go there have; but as a rule they do not go there, because they cannot bear to drink the public-house beer; they complain that it makes them ill; they use the term that it is drugged.

4385. Mr. *Henry Surtees.*] The duty, you admit, the cottagers have to pay who brew 15 lbs. of malt in a week, is about 2 *l.* 14 *s.* a year?—I think it was something like that.

4386. That

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4386. That was in the case of cottagers brewing 15 lbs. a week ?—Yes.

4387. But some others only brew 2½ lbs. a week ?—I should not like the Committee to think that is generally the case ; I have heard the habit of what is called kettle brewing sneered at, but I think it is very good practice to brew in a kettle if the cottager cannot brew more ; I have given you this instance, as an instance occurring every week throughout the year, proving that it is possible to brew in a kettle.

4388. In that case the duty would amount to 8*s.* 1½*d.* in a year ?—No doubt your figures are right.

4389. Mr. *Read.*] I think you said that the agriculturists have not considered a substitute for the malt tax ?—I think, from what I know, the farmers as a rule have said that they suffer under the injustice, and they ought to have the injustice removed, and it was for the Chancellor of the Exchequer to find a substitute.

4390. Do not the farmers say that when the duty on corn was repealed, almost every statesman who took part in the discussion said the malt tax must be abolished ?—Yes ; Lord John Russell in 1846 said, " If I were Prime Minister when protection to agriculture was abolished, the first tax I would repeal would be the malt tax" ; Mr. Villiers and Mr. Cobden said the same thing.

4391. Mr. *More.*] Could you quote extracts from their speeches ?—Mr. Villiers, in 1839, said, " Would the landed interest be willing, if the malt tax were taken off, to relieve the country from the tax on corn ? For of this he was sure, that all those who were injured by the operation of the corn laws would be willing, nay, would be anxious to get rid of the malt tax. By acceding to those terms, the produce of the malt tax would be lost to the revenue, no doubt ; but 4,500,000 *l.* was a small sum indeed compared with what might be raised through the medium of taxation if the energy of the country were allowed its full and natural play." I can give you what Mr. Cobden said, who was a great free trader, " We sympathise with the farmers ; we will never tolerate one shilling duty on corn, but we will co-operate with them in getting rid of the malt duty. We owe the farmers something, and we will endeavour to pay them in kind." And, speaking as late as February 1864, he said, " It has often occurred to me to compare the case of the British agriculturist who, after raising a bushel of barley is compelled to pay a tax of 60 per cent. before he is permitted to convert it into a beverage for his own consumption, with what I have seen in foreign countries, and I can really call to mind nothing so hard and so unreasonable. I am quite sure that the cultivators of vineyards and the growers of olives in France and Italy would never tolerate such treatment of their wine and oil."

4392. Mr. *Read.*] And the confiding agricultural interest have still some idea that those promises may be fulfilled ?—Yes, they have.

4393. How came you to say that if the malt tax were repealed the price of malt would be half its present price : you said it was 8 *s.* a bushel in 1864, and that it would be 4 *s.* without the malt tax ; do not you think that that is rather an extravagant calculation ?—No, I think not. The stereotyped price of malt in Todmorden, for years, was 48 *s.* a load of six bushels, that is 64 *s.* a quarter. I asked a very large maltster indeed what the barle from which that was made, and he said quarter.

4394. Four shillings a bushel ?—Yes, o half. I have taken this from the labourers' of view. I think the effect of the malt ta that a large quantity of inferior barley is now malted ; but if the malt tax were repea would be malted and sold to the labourers at price than any malt which is now sold ; it w come in at the price of the barley.

4395. Although the price might be red to 4 *s.*, it would not, perhaps, be quite so go what you give 8 *s.* for now ?—I think it w be as good.

4396. You do not think the farmer w benefit, and so have a better price for his bar —I think the benefit to the farmer would his being able to use his land as he likes, being able to make beer for himself, and gi to his labourers.

4397. Mr. *More.*] When Mr. Cobden s that the malt tax was a tax of 66 per cent. the raw material, according to your opini was understating the fact ?—I think it understating the fact.

4398. By 40 per cent. ?—No ; my argum is this, that the tax in the first instance is 70 cent. ; to the person who buys his malt and br at home, it is 100 per cent., and to the per who buys his beer over the counter, it is at le 140 per cent. ; that it goes on increasing, as know taxes do, being laid on the raw mat every stage through which it passes.

4399. Mr. *Ayrton.*] Could you give a set prices following that ?—I can only give it by taking barley at 31 *s.*

4400. What is the price that you used for quotation of malt ?—31 *s.* ; the malt and bar would be the same price.

4401. What was malt sold at from which made that quotation ?—I did not take the pr of malt.

4402. Will you give me what the price of m was ?—64 *s.* a quarter has been the avera price of malt for many years with the duty.

4403. What is the price of malt sold by retailer to the consumer, when he goes to an termediate dealer ?—That is the price.

4404. Is that the price at which the malt sells the malt ?—I do not know what price sells it at.

4405. Whose price are you speaking of, price of the intermediate dealer ?—No, the pri at which the retailer sells it to the consumer.

4406. That is at the rate of 64 *s.* a quart when he sells it by the pound ?—Yes.

4407. Do you know the price at which maltster sells it to the shopkeeper ?—No, I do know the price.

4408. Then I do not see upon what you ha based your statement of per-centages ?—What have based my statement on, is this, that I belie it is in evidence that the increase of barl during the process of manufacture pays the cost of malting ; there is no doubt that th has been a practice in many parts of the countr of maltsters taking a bushel or a quarter barley, and returning a quarter or a bushel malt for it ; if that is so, it follows that after t repeal of the malt tax malt would be sold at t same price as barley.

4409. You did not ascertain the price at whi the maltster sold the malt to the shopkee

who

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retail price you have quoted?—No, I did
. Mr. *More.*] Do you think you could
that statement of yours by figures if you
to hand in any statement more maturely
red?—You can only arrive at the pressure
malt tax by taking the price at which
ould be sold after the repeal; if my argu-
s correct, that the cost of malting is paid
the increase, then it follows that the malt
be sold at the same price as barley.
. Mr. *Ayrton.*] You put it that 21 *s.* 8 *d.*
n by the Government out of the 64 *s.*; and
tural result is that the rest represent other
rations?—Yes.
. And the repeal of the malt duty would
fect the price to the extent of the malt
—No; the effect of the malt tax is that the
rs must have 70 per cent. more capital in
ncern.
. You have not ascertained the exact facts,
re what you tell us is mere speculation; if
d not inquire what the tradesman paid for
lt to the maltster, it is not easy to arrive
conclusion?—I have ascertained the facts,
have given them to the Committee.
. You did not ascertain what the trades-
ho retails his malt at the rate of 64 *s.* a
r paid to the maltster for that malt?—No.
ascertained if there were no malt tax that
blic brewer could, according to his own
, sell the beer at 3½ *d.* a gallon.
5. *Chairman.*] I understood you to say
e tradesmen pay 10 per cent. to the malt-
—Yes. I tell you what the tradespeople calculate upon; I cannot say what they give, because I never asked what they gave.

4416. Mr. *Ayrton.*] You cannot tell us precisely what the maltster paid for the barley that is retailed at 64 *s.*?—No; the maltster told me that the barley would be worth 4 *s.* a bushel.

4417. Then that would be 32 *s.* a quarter?—Yes.

4418. Then there would be 21 *s.* 8 *d.* duty, and then there would be 13 *s.*, representing all the contingent considerations?—That is so.

4419. Which would represent the whole expense and profit of the maltster, the whole expense and profit of the retail trader, the cost of delivery, and the ordinary trade allowance of bad debts?—Yes, the monopoly of the maltster.

4420. Those will be the considerations which I have stated?—Yes.

4421. You do not know how much those would be probably as you have not gone into the matter in a business-like way?—I believe the 32 *s.* would include bad debts, and everything.

4422. Thirty-two shillings is what he paid for the barley?—Yes.

4423. Having started with his barley, you have, in what you have described, the operations of two sets of traders, their bad debts and cartage, and all the contingent considerations of trade; have you gone into an investigation of how much is due to those, and have you gone into that inquiry with a careful consideration of the mode of estimating those matters?—I find it has been the practice to take the increase for the cost of malting, and I suppose the cost of malting includes the bad debts.

Thursday, 2nd July 1868.

MEMBERS PRESENT:

Mr. Ayrton.
Colonel Barttelot.
Sir Edward Manningham Buller.
Lord Eustace Cecil.
Mr. More.
Major Parker.
Mr. Arthur Peel.
Mr. Read.
Mr. Henry Surtees.

COLONEL BARTTELOT, IN THE CHAIR.

Mr. GRAHAM MENZIES, called in; and Examined.

Mr. *G. Menzies.*

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4424. *Chairman*]. I THINK you belong to the firm of Menzies, Bernal and Company, of the Caledonian Distillery at Edinburgh?—I do.

4425. You also belong to the firm of James Stuart and Company, of the Paisley Distillery?—I do.

4426. They are both large distilleries, are they not?—They are.

4427. Do you use as much as 130,000 quarters of grain in the course of a year?—In the course of a year, we do.

4428. Sometimes you use as much as from 2,500 to 3,000 quarters a week?—2,000 to 3,000 quarters a week.

4429. I believe you pay annually for spirit duty, something like 700,000 *l.*?—We do.

4430. You distil from malt and from grain, do you not?—We mix the two.

4431. In the Edinburgh distillery, you used one-seventh malt and six-seventh of raw grain; is not that so?—Yes, we vary the proportions; sometimes it is one-sixth, sometimes one-seventh, sometimes one-eighth, and sometimes one-ninth; one-seventh is about a fair average to take for the Edinburgh distillery.

4432. You principally use barley and maize?—We use a great variety of grains; we use rye, oats, and malted barley, raw barley and maize, and sometimes rice, and sometimes dari, which comes from Syria.

4433. And from these various articles, I think you make what is called at Edinburgh raw grain spirits for converting into brandy and gin?—Quite so.

4434. Will you kindly tell the Committee, as far as you can, the processes through which this grain goes in making it into raw grain spirits?—The portion which is made into malt goes through the ordinary malting process, the same as making malt for brewing; the raw grain is ground down with millstone as fine as flour, and it is put into the mash-tun in the proportions I have mentioned—one-seventh of malt and six-sevenths of raw grain; and the action of the malt in the mash-tun malts the whole. If you take raw grain and dilute it with hot water, it yields no sweetness; but if you put one-eighth part of malt in amongst the mixture, it saccharises or sweetens the whole. It is a chemical action; it is very much the same action as the operation of malting on the malt-floor. Then, after the malting takes place, the wort is drawn off; we do not boil our wort, as the brew does. Our great object is to get the malt in su a state that it will ferment so thoroughly as convert the whole sugar in the malt into alcoh The gravity of the wort is 50 degrees. The brew will ferment it down to 10 or 8. A distill if he is successful in his fermentation, will get 5 lbs. below water, and the more complete t fermentation the greater the quantity of alcoh in the wort.

4435. That is the usual process of making t raw grain spirits which you convert into bran and gin?—Yes; after the fermentation is co plete, the still is employed to extract the alcoh The first part of our process is the same as t brewers' process, with the exception that t brewer boils his wort, and the distiller does n boil it. We find, from experience, that we ge more thorough fermentation by having the r unboiled wort. We do not use hops at all.

4436. At Paisley, I think, you make yo spirits entirely from malt?—We do.

4437. And that spirit is whisky?—It is dru as whisky.

4438. The malt, of course, is made in exact the same way as the malt for brewing?—Ye it is.

4439. And then, after it is made into ma what is the process of making it into whisky?—It is mashed in the same way as at the oth distillery; but we mash the malt only, witho the mixture of unmalted grain.

4440. What class of barley do you use for th malt in the Paisley Distillery?—Good Scot barley, 52 lbs. to 54 lbs. a bushel.

4441. Does it require to be as good as th used for pale ale brewing?—No; the pale a brewers go to a higher class of barley. We u the commoner quality.

4442. For the raw grain spirits you use sti more inferior quality of barley at Edinburgh?—Yes, cheapness is a great object there. For th use barley from 45 lbs. to 50 lbs. a bushel.

4443. Do you use much foreign barley?—Ye Hungarian, Pomeranian, and Black Sea ba ley. We first introduced the Black Sea barle for malting.

4444. We have it in evidence that the Blac Sea barley does not make such good malt a the other barleys that come from Trieste, an other parts of the Continent?—Some of th

Blac

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Sea barley makes beautiful malt; there is
o on the coast now, 52 lbs. a bushel.
5. From what part of the Black Sea does
ne?—It is shipped at Kustendje, but it
from Moravia or Moldavia.
6. Do you use English barley?—No, be-
it is too dear.
7. Your opinion is, that the English bar-
s a general rule, is a better sample of
than you get from abroad?—Yes, the
lk and Suffolk barley is.
8. Is your Scotch barley better than the
n barley?—No, I would not say that; the
barley is very fine barley.
9. So is the Saumur barley;—Yes.
0. But, with one or two exceptions, the
barley is the better?—Yes.
1. Have you used any Chilian barley?—
ave.
2. What kind of barley do you find that?
s very clean and sound; some of the Edin-
brewers have been using it.
3. Can you get as much saccharine matter
t as from the English barley?—I should
t.
4. It would not, as a general rule, answer
lt as well as our English barley does?—It
ds upon the purposes for which it is to be
d. I do not suppose for fine ales it will do
l; but for other purposes, if the price is
ate, we do not object.
5. It is a matter of price?—It is.
6. It must be still more a matter of price
he brewer who has to pay the malt tax?—
rewer likes the best quality for making fine
It is more adapted for him.
7. You pay no duty upon malt?—We pay
ty; we are rigidly surveyed; we are sur-
in our steeps, couches, and floors, and from
e floors into the kiln; our survey is more
than the maltsters. Our kilns are kept
l.
8. There is no difficulty in collecting your
duty, although there is no duty paid upon
alt before it is made into spirit?—The
duty has been exceedingly well collected
1853, when the allowance for wastage was
ished.
9. Should you see any difficulty, seeing
he spirit duty is so well collected, in col-
g a duty from the beer instead of col-
g the malt tax?—I think you could col-
duty on beer quite as easy; the charge
be made on the fermenting tuns; the
y might be ascertained and the duty
ed; what we distillers would like to see is,
oholic duty; to assess the duty on beer ac-
g to the quantity of alcohol contained in
er; we think it is rather a hardship that the
und of beer, which is alcohol, sugar, water,
ops, should pay about 1 *s.* 10 *d.* the proof
for spirits contained in it, while we pay
Beer is a compound of water, hops, alco-
nd sugar; our article is alcohol and water
We distillers complain of that; we think
irit duty is much too high. With reference
duty on alcohol contained in beer, we
l like the duty upon beer assessed in the
way as the wine duty. I am talking from
ller's point of view.
0. You know something of the way in
the drawback is ascertained upon beer ex-
l?—Yes; the drawback is given under this
f Parliament, the 25th Vict. c. 22.
7.

The following Paper as to Drawback is put in.

24 & 25 Vict. c. 91, and 25 Vict. c. 22.

1040	4	3
1045	4	9
1050	5	3
1055	5	9
1060	6	3
1065	6	9
1070	7	3
1075	7	9
1080	8	3
1085	8	9
1090	9	3
1095	9	9
1100	10	3
1105	10	9
1110	11	3
1115	11	9
1120	12	3
1125	12	9

4461. Have you spirits which are tested by the quantity of alcoholic matter in them?—Yes, it is entirely an alcoholic duty; it is ascertained by the spirits produced; the duty is charged, with certain allowances for wastage.

4462. I think the Scotch distillers were very anxious that they should be allowed to make beer as well as spirits?—They petitioned Mr. Gladstone in the beginning of 1866, for permission to send out a portion of their wort as beer; in taking the wort off the mash-tun there is a portion of the wort which is very fine, and we think that that fine portion of wort could be advantageously sold as beer, and a duty be charged corresponding to the malt duty and the hop duty; and we think if the Government have the means of giving back the duty for beer sent out of the country, they might surely find the means of charging it, in the first instance, according to the gravities; that is our opinion; the English distillers do not agree in that opinion; they did not join us in our application, and it was refused at that time.

4463. I understand in your process there is a certain phase in the making of the spirit when beer might be made as well as spirits?—Quite so.

4464. And when you arrive at that point you would like to have the opportunity of making a certain portion of your wort into beer?—That is so.

4465. That you proposed to Mr. Gladstone in 1866, and, I think, all the large and principal distillers in Scotland signed the memorial?—Yes, all the principal distillers signed the memorial.

4466. They thought there would be no difficulty in collecting the duty upon that wort so made into beer, by charging it in the same way as the drawback is now allowed upon exported beer from this country?—That was our opinion, and we believe that it would be of advantage to the consumer of beer.

4467. You think that it would be a good thing for your business, and that it would also be a great advantage to the general public?—That is our opinion, by cheapening the price, of good wholesome beer to the consumer, and it would be of advantage to us by enabling us to prosecute two businesses instead of one; every distiller, of course, has the brewing plant; in a certain portion of the week, under the Excise laws, it is kept idle; if brewing were allowed, the plant might

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might be kept constantly employed, which would be more profitable to us.

4468. You think there would be no difficulty in collecting the duty upon that beer, and if it could be collected upon the beer in your instance, it could also be collected upon brewers in the same way?—Yes, that is our opinion.

4469. Have you ever turned your attention to the price at which you could deliver beer of the strength of about two bushels to the barrel of 36 gallons?—I cannot say that I have; if I had known that you wished me to go into that calculation, I would have made it. I cannot say that I am quite prepared to speak to this point.

4470. Perhaps you could make that calculation, and let me have the paper before next Tuesday?—You could produce much cheaper beer from other ingredients than barley; for instance, a quarter of maize contains 30 per cent. more sugar than a quarter of barley, and the price of maize is considerably cheaper than the price of barley; and to that extent the price of beer might be reduced.

4471. I believe the price of maize was high this year?—It was high in January and February. You can now buy good maize at 36 *s.* or 37 *s.* a quarter, 480 lbs.

4472. Mr. *Read.*] That is not cheap?—No. I have seen it at 26 *s.*; maize weighing 62 lbs. a bushel is worth about from 37 *s.* to 38 *s.* at present.

4473. *Chairman.*] What was the highest price of it this year?—It was as high as 50 *s.* in January and February. It contains a great deal more sugar than barley; there is no grain so full of sugar as maize.

4474. With the exception of maize, there is no other grain that can compete with barley?—Rye, dari, and rice; rice contains a good deal of sugar. One cwt. of rice contains more sugar than 1 cwt. of molasses; you would not fancy that there is any sweetness in it from tasting it.

4475. Should you think it a very great hardship if you were prevented using anything but malt, sugar, and hops in the manufacture of beer?—We certainly would think so; it would be very much against the consumer, and against our business; and with foreign competition we should soon be driven out of the field.

4476. That is for distilling purposes; but would you apply the same remarks to brewing purposes?—I think a brewer should be allowed to exercise his ingenuity, and produce beer from anything he thinks he can produce it most advantageously.

4777. On the whole, you think that the malt duty might be repealed, and that a duty of some sort might be levied upon the brewer?—I think so; we would like an alcoholic beer duty, and that duty to have some relation to the duty on spirits; we think it is hard upon the spirit drinkers to pay 10 *s.*, while in the form of beer the consumer drinks alcohol at 1 *s.* 10 *d.* per proof gallon.

4478. Sir *Edward M. Buller.*] Do you make all your own malt?—Yes; we do not buy any malt.

4479. And in consequence of being able to make your own malt, and having no malt tax, you can use all sorts of barley?—In point of fact, we do.

4480. Generally speaking, you use the very inferior barley rather than the superior barley?—Yes.

4481. Is it not your opinion, if the malt tax were repealed, the effect would be that inferior barley would be very largely used for mal purposes?—Not for malting to produce beer; brewer goes so much upon quality; brew wishing to make common, cheap beer, would barley that would produce the cheapest beer, other brewers, who want to make a very beer, would go to the expense of a finer m rial.

4482. There being a great variety of tomers, there would be a great advantag having a great variety of beer?—That is so.

4483. I understood you to say that the a holic test was 10 *s.* a gallon upon spirits?— duty upon spirits is 10 *s.* a gallon; there i test required; you have nothing but alcohol sent.

4484. Spirits are only of one strength?— they are of various strengths, but they are duced to proof for taking the duty; proof is standard of the duty, which is charged at rate of 10 *s.* per proof gallon; if the spirit is over proof, the duty is charged upon 160 lons.

4485. There is no difficulty at all in asc taining the amount of alcohol in any quantity spirits?—No, nor in any liquid whatever.

4486. In your opinion, there would be no d culty in ascertaining the quantity of alcohol beer?—No, none whatever.

4487. The duty would be equally easily lected?—Every week before we commence distil we distil a sample out of each ferment vat, and we can tell before we begin to distil quantity of alcohol we should get; suppos there are 30,000 gallons of wash in a ferment tun, we can ascertain by distilling a small qu tity of that wash how much alcohol is contai in that vat; and before we begin to distil always ascertain the quantity we ought to ha and if we do not get the quantity we ought to h shown by distilling the samples, we fancy th must be some loss, that the men have been ca less, and allowed some of the wash to p through the still without the spirit being tal out of it.

4488. You said the beer tax was 1 *s.* 10*d.* gallon. Is that according to the quantity alcohol contained in the beer?—It depends u the quality of the beer. If it is strong you h more alcohol; if it is weak you have less; tak one beer with another, taking beer of 60 gravity, the quantity of alcohol in that beer work out a duty of about 1 *s.* 10 *d.* per pr gallon on the spirit it contains.

4489. What is the price per gallon at wh you sell the spirits?—At the present time it about 2 *s.* 4 *d.* the proof gallon; I have sold it low as 1 *s.* 4 *d.*

4490. I do not understand how you pay duty?—I am talking of the price in bond; the duty it is 12 *s.* 4*d.*, and without the duty i 2 *s.* 4 d.; the duty being 10 *s.*, you add that to which makes it 12 *s.* 4*d.*

4491. What costs you 2 *s.* 4 *d.* to make, pay 10 *s.* duty on?—Quite so.

4492. You talked of selling some portion of as beer; you would be able to undertake the trade without any additional capital?—With any additional plant, because we have the pl there; but there would be the usual capital quired to give publicans credit.

4493. Would there be any reason why could supply beer at a much cheaper rate the brewers?—I do not know that there wo

cepting by combining the two businesses,
lucing the charges. If the brewers work
he same materials as we would, most likely
ould do the same. I do not see that there
be any saving beyond the saving of carry-
the two businesses in one premises. I do
ow that we could undersell the brewer if
ked with the same materials.

. Supposing the malt tax to be repealed
her, and the tax to be put upon beer, a
variety of materials might be used for the
acture of beer to a great advantage?—
s my opinion.

. And of course, with a great reduction
e to the consumer?—Yes.

. Lord *Eustace Cecil.*] I should like to
what dari is?—It is a substance grown in
very much like a small pea; I believe it
s to the family of the pulses. It is not a
it is a substance which contains a great
t of sugar.

7. Is it an exotic plant, or a home grown
—It is not grown in this country; it is
principally in Syria.

3. Are large quantities imported into this
y?—Yes; in some seasons.

9. What is it generally used for?—For
ng and feeding cattle.

0. Is it a nourishing food or not?—I should
it is a very nourishing food; it contains a
arge quantity of spirit.

1. Is Syria the only country that supplies
Syria, Egypt, and all the warm countries
it.

2. Is it anything like the Egyptian bean?
it is much smaller; we find it very good
king cheap spirits; 10 or 12 years ago we
not use it; we did not know how to mash
e could not get the extract out of it, but
ve get a great quantity of spirit out of it.

3. Have you ever tasted the beer made
the wort?—Yes; I sent some to the Excise
66, made from maize. I took two or three
as of wort out of the mash-tun, boiled it and
ed it, and made it into beer, and a very
glass of beer it was.

4. Is it as good as that brewed from malt?
is not equal to Bass' best bitter beer, but it
kind of beer which the labouring man
d be very glad to get to drink.

5. Mr. *Read.*] Would it keep?—I think
uld keep.

6. Major *Parker.*] Did you say you used
malt to 6-7ths of grain?—Yes; I do in the
burgh distillery.

07. What raw grain do you use?—Maize,
oats, and barley.

08. In what proportions?—In various pro-
ons, according to the state of the market;
weeks one proportion, and some weeks an-
. It is our business to study the market
change the substances.

09. Would not the different proportions
t the character of the brew?—As long as we
up the 1-7th of malt, it does not matter;
the quantities of oats, the buck wheat,
the barley, and maize and rye, and those
tances vary according to the state of the
et.

510. And you believe that you could pro-
the beer you speak of from that variety of
n?—Yes, good drinkable beer.

511. What would be the price per quarter
he different descriptions of grain you speak
of?—This is our last period; we had two qualities of malt in our last period; our malt is what we call rough malt; it has not passed through the process of cleaning. We set that forward as costing 34 *s.* per quarter for the malt made from Scotch barley; there is no duty upon that; then the malt made from the Black Sea barley we set forward at 28 *s.*; the oats, which we use in a small proportion, we set forward at 34 *s.* a quarter. Black Sea barley, of which we use a proportion also, is set forward at 35 *s.*; and the Danish barley at 42 *s.* Buck wheat we set forward at 32 *s.*; rye we set forward at 34 *s.* per 400 lbs.; and maize, per 400 lbs., we set forward at 33 *s.*

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4512. Then, with regard to pulse?—We have had none lately; very little pulse has come in during the last year or two. I suppose they have had short crops; the offal from this mixture is much more valuable than the offal from malt; the offal, or brewers' grains, will probably fetch 2 *s.* to 2 *s.* 6 *d.* per quarter; but ours is much more nutritive, and the cattle feeders give 5 *s.* or 6 *s.* a quarter for it. The grains from this mixture sell at nearly double the price of the brewers' grains; it is an element in the cost of beer or spirit or to whatever use the wort is turned.

4513. Mr. *Henry Surtees.*] Is the spirit duty of 10 *s.* per gallon proof charged upon the calculation of 21 *s.* 8*d.* the quarter, the amount of the malt tax?—No, it has no relation to the malt tax at all.

4514. What quantity of proof spirit do you make from a quarter of malted barley?—It varies. The Black Sea barley will produce about 15 gallons from a quarter of malt. If you use very fine heavy Scotch barley, you may have 17 or 18 gallons of spirits from it—that is from wholly malted grain; but from a quarter of barley you will have 8½ bushels of malt. The maltster would have that from the way he malts his barley; that is the increase.

4515. From which do you consider you get the greatest amount of spirits, from raw grain barley or malted barley?—I have already mentioned that maize is an article which contains far more saccharine, and gives by far the greatest amount of extract of any other substances we have met with, from the knowledge which we now possess as to the method of working it. Ten years ago we could hardly work it at all; we now know how to work it, and we find 30 per cent. more sugar in it than in any other substances, and certainly more than barley.

4516. How do you define proof spirit?—By the hydrometer.

4517. If the malt tax were repealed, do you imagine that you would be able to sell your spirits cheaper than you do at present?—I do not suppose so; we do not pay any malt duty.

4518. I know you do not pay any duty in the first instance, as a malt duty, but you pay spirit duty. Do you suppose that the same amount of spirit duty could be maintained if the malt tax were repealed; would not you cry out immediately?—Yes; we should think it a very great hardship that alcohol in beer should be paying no duty, while our spirits are paying such a high duty: even as the matter now stands, we think we are on a wrong footing; alcohol in beer pays 1 *s.* 10 *d.*, while the duty on spirits is 10 *s.*

4519. Do you not think that the malt tax is

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one of the elements in the amount of the spirit duty; that, to a certain extent, you are paying malt duty in a different shape?—I think the alcoholic beverages all hang together, and that they should be dealt with, as regards taxation, with distinct reference to the quantity of alcohol they each contain. It would be very hard to let alcohol in beer pass free of any tax, while alcohol and water, as sold by the distiller, pays a a duty of 10 *s.* per proof gallon.

4520. Does the amount of spirits that you get from barley vary much according to the quality?—It does.

4521. And that according to the weight of the barley?—Yes.

4522. To what extent will it vary?—Two or three gallons in a quarter.

4523. Mr. *Read.*] Have you much increase in the malt you make from this mixed grain, in comparison with malt made from barley?—Yes; the Black Sea barley is so exceedingly dry that there is a very great advantage there. I should think it increases 25 per cent. over the barley steeped.

4524. Speaking generally, I suppose you do have a larger increase from your malt than a brewer would?—I should say so. We allow the barley to grow more on the floor, and have longer ends.

4525. Have you ever made any spirits from mangold-wurtzel?—No.

4526. Could it be extracted?—I have made spirits from potatoes.

4527. Could you make beer from mangold-wurtzel?—I cannot answer that question.

4528. Mr. *Arthur Peel.*] What is your general opinion of the spirit duty as to its oppressiveness?—We think it is very high.

4529. Is your objection to the malt tax that it omits the test to tax the alcohol in the beer?—We say that a much larger quantity of alcohol can be consumed at a much less duty in the form of beer than in any other form.

4530. Do I understand you to say that the malt tax is not equal to the alcohol tax?—It is equal to an alcohol tax of 1 *s.* 10 *d.* upon the spirit contained in beer; whereas we pay 10 *s.* upon spirits.

4531. Alcohol is taxed so much. If, instead of the malt tax, you tax the quantity of alcohol in beer, according to the present rate and the incidents of the spirit duty, what would be the tax on the spirit contained in a given quantity, say a gallon of beer?—It varies according to the strength of the beer.

4532. Say two bushels of malt?—I have already mentioned that the average rate of duty upon strong and weak beer will work out a spirit duty of about 1 *s.* 10 *d.* per proof gallon, depending upon the strength of the beer.

4533. The alcohol in beer is not taxed?—No; the only tax it pays is in the form of malt duty.

4534. If you substituted an alcohol tax on beer instead of the malt tax, what would be the difference between the malt tax and the alcohol tax on a given quantity of beer?—Different qualities of beer contain different quantities of alcohol. Beer of 80 lbs. gravity contains more alcohol than beer of 40 lbs. gravity. I think 1 *s.* 10 *d.* is a very fair average for one kind of beer with another. Mr. Bass's bitter beer would pay a spirit duty of about 1 *s.* 10 *d.* a proof gallon. Supposing you were to distil Bass's beer, it would work out a duty of 1 *s.* 10 *d.* a proof gallon for the alcohol contained in that beer.

4535. What is the malt tax on a gallo
Suppose you take 100 gallons of Mr. Bass's
beer and distil it, this beer has paid so n
malt duty and so much license duty, the q
tity of alcohol you take out of the 100 gal
will bring you out a spirit duty of 1 *s.* 10 *d.*
proof gallon.

4536. Mr. *Ayrton.*] We understand from
that a quarter of good malt will produce 15
lons of proof spirit?—If you get good Sc
barley it will be 18 gallons; you get about
gallons of proof spirit from malt produced
Black Sea barley.

4537. How many gallons of proof spirit do
get from what is called the average English
ley?—We ought to get about 18 gallons of p
spirit.

4538. That will be more proof spirit
would be evolved by the fermentation whic
carried on for making the wort for beer?—
we study to have a complete fermentation.

4539. Therefore the amount of spirit evol
by brewers in making the same wort would
something less than 18 gallons?—Yes.

4540. If the beer were brewed at the rat
a barrel for two bushels of malt, that would
144 gallons of beer?—I should say so.

4541. Therefore, 144 gallons of beer wo
contain something less than 18 gallons of p
spirit?—Yes; no doubt of it.

4542. What do you think would be a fair
lowance; what quantity of alcohol would
gallons contain?—8 per cent.

4543. You think they do not distil up to 8
cent.?—I should call it 8 per cent. in rou
numbers.

4544. Which brewers would leave for the s
charine taste?—Yes; and it would give y
about 11½ gallons of proof spirit in the 144 gall
of beer.

4545. Only 11½ gallons?—From 11 to 12 g
lons; I understand that some of the bitter be
are fermented very low.

4546. I am speaking of the beer ordinar
made from two bushels of malt, such as the Lo
don porter?—I should say there would be 8
8½ per cent. of spirits.

4547. If it were at the rate of 8 per cent,
would be something less than 1 *s.* duty; as t
duty is 10 *s.* on a gallon of proof spirit, if th
is 8 per cent. of spirit in the beer, it must be
per cent. off 10 *s.*?—The beer has not pa
10 *s.*

4548. If there is only 8 per cent. of pr
spirit in a gallon of beer, and the duty on spir
is 10 *s.*, then the duty calculated in the sa
way on the beer would be 9½ *d.*?—To bring th
two on an equality that would be so.

4549. Then you have to deduct from that th
malt duty actually paid, which is 5 *s.* 8 *d.* a barre
—Yes; I suppose it is not contemplated to levy
alcoholic duty to the full extent, so as to bring th
alcohol in both on an equality as regards taxati

4550. I wish to know the difference betwe
the present rate and the rate which would
imposed if it were measured by the spirit duty
the duty paid on beer of the standard of tw
bushels of malt to a barrel, would, at the prese
rate of 5 *s.* 8 *d.* a barrel, be one penny and nin
tenths on a gallon?—Yes, that would be so.

4551. Therefore you would deduct one penn
and nine-tenths from 10 *s.*?—Yes.

4552. Then the difference would be a remi-
sion of duty in favour of the brewer as again

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stiller, having regard to the alcoholic or the ating power of the two beverages?—Yes, right; I have not made a calculation as to mount of beer duty would be equivalent present spirit duty.

3. I want to know what is the remission in of beer compared with spirits, measured spirit test?—The alcohol in beer varies nuch; in some cases the fermentation is l a long way down, and in others it is d early. In some of the Edinburgh ales, they wish to preserve the sweetness, they t at, perhaps, 25 or 30; Bass's ale is fer- l down to five or six degrees above water.

At all events the average would be about cent.?—Yes.

5. I believe, as a matter of fact, 10 per s the supposed amount of proof spirit in n porter?—It is easily ascertained.

6. Mr. *More.*] Have you formed any opi- f the practicability of taxing private brew- -I hold the opinion that there is no better why a man should brew his own beer than uld distil his own spirits.

7. Do you think it would be practicable to ivate brewing?—I am not qualified to give nion upon that, because private brewing is y known in Scotland.

Mr. *Ayrton.*] Is it your opinion that if lt tax were repealed, the distiller ought to iberty to convert his worts into beer, if he it?—Yes, that is our opinion; the Scotch rs petitioned the Chancellor of the Exche- o be allowed to send out a portion of their in the shape of beer.

It would be a great relief to the distiller able so to dispose of his worts?—We think uld carry on both trades advantageously.

If the element of free trade were to pre- ate over that which is thought to be the element, namely, the collection of revenue, e no reason why you should not participate freedom, and use your worts in any way profitable to yourself?—Yes.

1. Provided it can be done consistently ollecting whatever duty should remain on that would be the only consideration?— y so.

2. Mr. *More.*] Has any deputation repre- that to the Chancellor of the Exchequer? ; the Scotch distillers had an interview Mr Childers in February 1866.

3. *Chairman.*] What duty do you pay on l per gallon?—It is all calculated accord- the standard of proof; the duty is 10 *s.*, atter what the strength, whether under or over proof; it is converted into proof.

4. Is that 10 *s.* a gallon proof spirit?— if you have 100 gallons 60 over proof, they you on 160 gallons.

5. And you think that in a quarter of there is 18 gallons of proof spirit?—No; to 54 lbs. of Scotch barley made into ought to produce 18 gallons of proof spirit, , from rough malt.

6. Of course, you get more malt than ?—One quarter of barley would produce 8¾ bushels of malt, depending upon the ss of the barley.

7. You think there is a great overcast ob- in the conversion of barley into malt?— is.

8. In your manufacture for distilling pur- you find that it runs about 8¾ bushels to the quarter?—From 8¼ to 8¾, depending upon the dryness of the barley.

4569. How is your spirit duty collected?—First of all, it is calculated by the spirit receiver. The receiver is gauged, and the spirits passed from the still into the receiver; and the revenue officer has a dipping rod, and by taking the dip and observing the stain upon the rod, ascertains the number of inches and tenths of an inch. Then it is passed into the lock-up store, and is measured out in the presence of the officer. The spirit duty is extremely well collected.

4570. When do you pay the duty on spirits?—Before it is sent out.

4571. Supposing you were to make spirit in April, and you did not send it out till July, would you have to pay the duty before you sent it out in July?—No; the spirits are put into the warehouse, and we pay the duty when they are sent out.

4572. They are bonded?—Yes; every distiller has his bond in the distillery.

4573. If you send out all that you have in bond at the same time, you pay the duty on the whole?—You cannot get a permit to remove it until the duty has been paid.

4574. If you send out spirits upon which the duty would amount to 10,000 *l.*, you would have to pay that 10,000 *l.*?—Yes, before removal.

4575. Your duty last year was 700,000 *l.*; and if you sent out spirits on which 10,000 *l.* or 15,000 *l.* duty was payable each month, you would have to pay the duty before you sent them out?—Supposing we sent them out to-day, we must produce a receipt from the collector that the money has been paid; there is not an hour's credit given.

4576. Sir *Edward M. Buller.*] If a quarter of malt would yield 15 gallons of proof spirit, would there be the same quantity of proof spirit in the beer brewed from a quarter of malt?—I do not think there would be the same quantity of spirit; the brewer does not carry his fermentation to completion; the distiller's business is to ferment as thoroughly as it can be fermented, so as to convert all the sweetness into alcohol, but the brewer desires to retain part of the sweetness to give the beer a fulness and sweetness.

4577. Supposing the duty to be levied according to the alcoholic test, a smaller amount of duty would be obtained from a quarter of malt converted into beer than from a quarter of malt converted into spirits?—Yes.

4578. Can you tell me what proportion it would be?—It varies according to the different kinds of ales; for some of the sweet Edinburgh ales the fermentation is stopped when they are 25 or 30 lbs. gravity, while some of the pale ales are fermented down to 7 or 8 lbs. of gravity.

4579. If you convert a quarter of malt, and obtain from it, as you say you can, 15 gallons of proof spirit, the duty upon that quarter of malt would be 150 *s.*?—It would.

4580. Supposing you convert a quarter of malt into 144 gallons of beer, which is the strength of London porter, what would be the duty then; you get 144 gallons of beer where you get 15 gallons of proof spirit?—Yes, but you would not have the quantity of alcohol in the 144 gallons of beer that you would get in the distilling process, because the fermentation being stopped at an earlier stage, it would not produce more than about 12 gallons of spirit.

4581. In order to make the beer duty as high

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upon the produce of a quarter of malt as upon a quarter of malt employed in the manufacture of spirits, you would have to raise the duty up to 150 *s.*—Yes.

4582. And that would be more than 1 *s.* a gallon?—Yes, no doubt it would, in that view of it.

4583. Can you give us any approximation as to the difference in the quantity of proof spirit in malt when converted into beer and when converted into whiskey?—I think I have already mentioned, that such beer as you talk of, would contain from 11½ to 12 gallons of spirit. I think that is a fair calculation.

4584. Then, according to the change that you recommend, about 115 *s.* would be the tax upon four barrels of beer?—That is the subject of complaint by the distillers; we think the alcohol in the form of beer is unduly favoured, and ours is unduly taxed.

4585. In order to put you on an equality with brewers, the tax upon beer should be raised to 115 *s.* a quarter instead of 21 *s.* 8*d.*?—Quite so; in our opinion beer is unduly favoured.

4586. Lord *Eustace Cecil.*] Is that 115 *s.* as compared with 150 *s.*?—Yes, quite; because the beer contains so much less alcohol than spirits. If one contains 15 gallons and the other contains only 12 gallons, the duty would be 6 *l.* for 12 gallons upon a quarter of malt when made into beer, to have the alcoholic beer duty corresponding with the duty on spirits.

4587. The duty as it stands now, is 21 *s.* 8 *d.* as compared to 150 *s.* on spirits?—Yes, that is the most favourable view of it for the brewers. If you take the produce at the high standard of 18 gallons, it is as 21 *s.* 8 *d.* is to 9 *l.*

4588. Major *Parker.*] We have had it in evidence before this Committee, that if the malt duty were repealed, barley would be the cheapest and best article that could be used for the brewing of beer. Do you think that is correct?—I do not think that is correct.

4589. Why do you think that it is not?- cause I think there are other substances could be employed to manufacture beer which would produce a very good drin beer at a less cost.

4590. And which cannot be used now?- they cannot be used now, from the existen the malt duty; you cannot brew now from n you are perfectly tied up to malt and sugar cannot use either maize or a great numl other articles, because of the existence c malt duty.

4591. Mr. *Henry Surtees.*] Do you whether spirits are adulterated much?—I no doubt they are, but I do not know any about it.

4592. Would you object to tell us the ex of distilling?—The expense of manufact a gallon of spirits varies from 3 *d.* up to gallon.

4593. Mr. *More.*] Has there ever been great agitation in your trade for the reducti the spirit duty?—I think there has; variou plications have been made to Government.

4594. Has there been any organised agit like the agitation for the repeal of the malt —No.

4595. If the malt tax were repealed, sh you think that any extensive agitation for th duction of the spirit duty would necess follow?—I think if the malt tax were repe without a beer duty being imposed, and if were to allow alcohol in the form of bee pass into consumption without any duty what I have no doubt the distillers would ag against it.

4596. If a tax were put upon beer, you w not consider that you had any special grieva would you?—No, with a sufficient tax.

4597. It would not affect your position at would it?—No; we hope it would improve position if you put a sufficient amount on; we think beer is unduly favoured at present.

Mr. JAMES PATTISON CURRIE, called in; and Examined.

Mr. *J. P. Currie.*

4598. *Chairman.*] You are a large distiller, I believe?—I am; we have had a distillery for a great number of years.

4599. You belong to the firm of John Currie & Company?—I do.

4600. Your works are at Bromley, in the county of Middlesex?—Yes.

4601. Do you distil from 70,000 to 80,000 quarters of grain a year?—Yes, the consumption of grain depends upon the trade; it is some years more, and some years less.

4602. What grain do you principally use in your distillery?—Whatever is the cheapest in the market, consistent with the quality of the spirits that we wish to produce.

4603. Is yours what is called raw grain spirit? —Yes.

4604. You sell it to the rectifier?—We do.

4605. From that spirit, generally, gin and brandy is made?—Principally gin; but it is occasionally used for British brandy.

4606. What amount of spirit duty do you pay in the course of the year?—It varies according to the consumption; you may take half a million of money as about the average.

4607. Do you agree generally with what the last witness has said with regard to the collection of that duty?—I did not pay attention to questions connected with the collection of duty.

4608. How is that duty collected?—That is collected according to the quantity of the s produced as ascertained at the spirit receiver.

4609. Where the spirits are made, there t are bonded?—They are bonded as soon as p ticable.

4610. And you cannot deliver any quantit the spirit without first paying the duty upon —Not a gallon.

4611. Therefore if you were to deliver a v large quantity, you would have to pay a v heavy duty all at once?—The usual mode payment is by cheque, the evening before spirits go out.

4612. Do you generally have a ready mo business with regard to the payment for spi or do you give your customers a certain amo of credit?—Some of our customers pay cash, to others we give two months' credit. The sys of sale by the trade is, calculating two mon credit; those customers who pay cash have months' discount allowed them.

4613. Do you make any spirit from malt all?—Not entirely; we only use malt as a c

vert

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g agent to convert the starch into saccha-

4. The last witness stated that for the raw
spirit, they used an average of one-seventh
nd six-sevenths raw grain; would that be
the proportion that you use?—We can
take any stated proportion; it must de-
upon the way in which the raw grain is
ed. If the harvest is good, and the grain
ow, you require less malt to convert it into
han otherwise; but I think you may take
to 10 per cent. as the average.

5. Can you mix maize, rice, and oats alto-
or are you obliged to convert each sepa-
?—We should not mix maize and rice in
ash tun. The process of brewing from
so totally different from the process of
g from maize, that I do not think the
uld be mixed together. They might be
in the fermenting vat after they have been
l, but not during the process of brewing.

. What grain do you use principally in
istillery?—For the last year our principal
dity has been maize.

. Do you use 40,000 or 50,000 quarters
ze?—I think we might say from 40,000
)00 quarters of maize in the course of a

. How much barley do you use?—In that
nly so much barley as is required for the
r converting the maize.

. Is the malt that you use for converting
made from foreign or English barley?—
since distillers were allowed to malt in
we have not used any fine English barley;
that, it was our object to purchase fine
h barley; but since we have been allowed
lt in bond, the foreign barley answers
rpose equally well, and is very much
r.

. Do you buy any of the Black Sea bar-
Very rarely for making malt.

. Do you find it malts well?—It makes
ood malt, but as a rule, we always prefer
heavier barley that Black Sea barley for
g.

. Did you see that memorial from the
distillers, with regard to being allowed
w?—Yes; it was laid before me some
go.

. It was in 1866, that they went to Mr.
one, was it not?—I think it was.

. And all the principal Scotch distillers
f opinion, that they could combine the
g with distilling business, provided they
charged the duty the same as it is now
d upon a drawback on beer exported from
untry; is it your opinion that that would
ood thing to do?—My candid opinion, with
eference to the Scotch distillers is, that it
be attended with liability to cause great
to the revenue.

5. Why do you think it would be liable to
?—I do not think the two processes of
ng beer and distilling could be carried on
afety to the revenue, on the same premises;
my own opinion, and I only give it as

6. Do you see any difficulty about the duty
charged upon the beer, supposing it was
d in that way?—I do not think it would
cticable to collect a beer duty, unless there
upervision by the Excise at the brewery
gh the whole process of brewing, so as to
ain the gravity of the worts; they would
then know, of course, the amount of duty to be charged; but I think the necessary restrictions for the safety of the revenue would be so great, that they would impede very much the process of brewing.

4627. Therefore you think that distilling and brewing could not be carried on with profit to the revenue, at any rate?—I do not think it could be carried on with safety to the revenue.

4628. Although it might be with profit to the distiller?—Yes.

4629. Do you distil any whiskey entirely from malt?—Never.

4630. You make nothing, in fact, but raw-grain spirits?—Nothing but raw-grain spirits, varying in quality. For methylating, for instance, we should not regard the quality of the material we buy; rice, or any material, would do where the spirit has not to pay duty when it is mixed with naphtha.

4631. Do you mix naphtha with your spirit?—For methylating purposes we do. Some time ago an application was made to the Government for the use of spirit duty free in the arts and sciences, so as to enable our manufacturers here to compete more profitably with the foreigners. I believe the foreign spirit used in the arts and sciences abroad pays no duty at all; and the only way in which the Government could see that the spirit could be used safely was to render it undrinkable by the mixture of naphtha, which renders the spirit so nauseous that it cannot be drunk, and it would be very difficult to extract it again.

4632. Naphtha is made from wood, is it not?—Yes, it has been hitherto sold by the Excise, so that the quality of naphtha should be secured; it should be naphtha of a certain quality, so that it should not be easily eradicated from the spirit.

4633. Could you distil from mangold wurtzel?—The thing is practicable, if no regard is had to the quality of the spirit.

4634. You could distil from beet-root, could you not?—Yes, but not to make spirit which would find a market among our rectifiers.

4635. Do you think the spirit duty is very offensive to the distillers?—There is no doubt the spirit duty is out of proportion to any other duty on articles consumed.

4636. Do you admit that spirits are not so wholesome for the general body as beer?—I cannot admit that point, because I maintain that whether a man drinks a gallon of spirits in one shape or another, so long as he imbibes a gallon of spirits into his system, the effect must be the same.

4637. You do not think the high duty on spirits, looking to yourself, is a great injustice?—I think it is a great injustice, compared with the duty charged on the spirit in wine and the spirit in beer.

4638. The duty on wine has been very much reduced, has it not?—Yes; but I have never yet been able to reconcile this to my mind: if you are to take a gallon of proof spirits as paying 10 *s.* duty, why a glass of sherry, which very often contains 42 per cent. of spirit, should only pay at the rate of 2 *s.* 6 *d.* per gallon duty.

4639. You would think it more unfair that the duty should be lowered upon wine than that it should be lowered upon beer, supposing it should be lowered?—Though the spirit contained in beer does not pay the duty per gallon that spirit pays, yet, at the same time, I think the consumption of beer is less injurious to us, as a trade,

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trade, than the increased consumption of wine consequent upon the reduced duty.

4640. Sir *Edward M. Buller.*] In fact, the cheap wine has supplanted spirits more than cheap beer?—I do not think that the cheap wine has supplanted spirits materially; by the cheap wine I mean the light wines, with a small percentage of spirits in them.

4641. Wine, being cheaper, has greatly tended to reduce the use of spirits?—I think it has, to a certain extent; but I do not think it has been carried as far as might have been anticipated. I think it is contrary to the English system to drink light wines for any length of time.

4642. Mr. *Henry Surtees.*] Can you distil at all seasons of the year?—Yes; equally well. When I say equally well, the very extreme hot weather we have had of late is very injurious to fermentation, and, when fermentation is checked, the produce of spirits upon a quarter of grain is lessened; therefore, in extremely hot weather, we cannot get as good a produce as we should do in cold weather.

4643. Mr. *Arthur Peel.*] How much proof spirit is there in a gallon of beer brewed from a bushel of malt at the rate of 18 gallons a bushel?—That depends upon the gravity at which the beer is set. If the beer is set, say at 54 degrees of gravity, and attenuated down to 8 degrees, we may calculate that the produce of spirit from that would be about 10 gallons per cent. We calculate it in this way, that spirit is produced by attenuation at the rate of about one gallon of proof spirit for every five degrees per cent. attenuated.

4644. One-tenth of a gallon would be proof spirit?—Yes.

4645. What is the duty upon that quantity of proof spirit?—One shilling.

4646. Mr. *Ayrton.*] With regard to wines, what is the cost at which you sell a gallon of proof spirit with the duty on?—At the present moment 12 *s.* 6 *d.* per gallon, less two months' discount at 5 per cent.

4647. Of that, 10 *s.* is duty?—Yes.

4648. If a man wishes to enjoy the pleasure of an alcoholic beverage, though he pays only a shilling a gallon duty upon wine, he will only get one-fifth of that, probably, in proof spirit?—It depends upon what wine he drinks.

4649. I allude to cheap wine, paying a duty of 1 *s.* a gallon?—I believe that very little wine except the light French wines, comes into this country, which does not contain something like 25 per cent. of proof spirit; 42 per cent. is the maximum allowed in wine.

4650. Therefore he would only get something like one-fourth of that gallon in spirit?—Yes, in wine containing 25 per cent. of proof spirit.

4651. The price he will probably pay for his gallon of cheap wine will be about 10 *s.*, containing that amount of spirit?—That would be a very low price indeed; it takes two gallons of wine for a dozen bottles.

4652. That would be 20 *s.* a dozen; therefore he would pay 10 *s.* for his gallon, and he will only get one-fourth of the gallon of intoxication?—Yes.

4653. Then the 2 *s.* 6 *d.*, not giving him much more than a fourth of a gallon of intoxication, is the reason why the lowering of the duty on wine has not interfered with the consumption of spirits so much as you expected?—That is taking the means of intoxication as a test; presuming that he pays 10 *s.* per gallon for wine containin
per cent. of proof spirit.

4654. Taking the cost of intoxication a
measure of people who drink spirits, that w
afford to your mind a reason why the consu
tion of spirits is not interfered with so muc
might be expected by the lower duty on win
I should like to make myself clearly underst
as regards the duty on wine. I think the
sumption of spirits would be very greatly in
fered with if the duty was lowered upon
stronger wines; because the stronger wines
tain a much greater per-centage of spirit t
the weaker.

4655. And they might be fictitious wines
very low value, but very high in alcoholic pow
—Instances have occurred, that were brough
my notice, which I mentioned to the Boar
Inland Revenue some time ago, where a ma
factured wine was brought into this country,
ingredient of which ever grew upon a vine
all; but it was simply a manufacture, wi
considerable quantity of alcohol in it, which c
in to be sold as sherry.

4656. If you take a coarse wine made for
a gallon, and fortify it up to 45 per cent., t
that would be the quality that would come i
competition with spirits?—Yes, and it mi
materially interfere with the revenue.

4657. So long as it is wine, bearing a gr
price, a man does not get the gratification of
toxication without paying a considerable sum
it in the shape of wine, therefore it does
interfere so much with the revenue?—It does n

4658. Major *Parker.*] With regard to t
description of wine which has 45 per cent.
alcohol in it, does not it come into serious co
petition or interference with your spirits?—
think it has done so materially.

4659. What would be the price of that win
—I have not a notion; I know that very str
wine is sold at a very low price; I cannot gi
you an idea how much per gallon; I have s
statistics at home that I worked out with ref
ence to wine duties, to lay before the Chancel
of the Exchequer, as to the probability of ill
distillation from wine; if I may be allowed
make one observation as to the malt tax, I sho
like to say it is my strong opinion, and I belie
the opinion of our trade, that the repeal of
malt tax would open the door to illicit distillat
in the north of Scotland and Ireland; we th
that the safeguard of a supervision of the Exc
over malt-houses is a great security against ill
distillation; the fact of the malt taking time
grow, and the whole process of malting, is one
our great safeguards against illicit distillat
from malt.

4660. *Chairman.*] You allude to Scotland a
Ireland; you do not think it would be carr
out in England?—No; I mentioned Scotla
and Ireland, because in those places where
former days, illicit distillation was carried
to a considerable extent, the means and opp
tunities are greater than they would be e
where; I do not mean to say that Scotland
Ireland are more prone to illicit distillation th
this country, but it is on account of illicit disti
tion having been carried on in the old days
smuggling.

4661. What does it cost you to make a gal
of spirit?—That must depend very materi
upon the quantity; if the trade is very br
and the distillery is at full work, it natura

ce

very much less than it would do if the
is slack, because we, and all distilleries
a vast number of fixed expenses, and those
nses, whether they are divided by two mil-
gallons or by one million gallons makes a
difference in the cost of production.

32. The last witness said that the cost was
3 *d.* to 1 *s.* a gallon according to the size of
istillery ?--It would he very difficult indeed,
rive at that. I think the last witness has
aps more opportunities of knowing than
lf, because he knows a good deal more of
it would cost in the small distilleries in
and. I have no conception of what the
of a small distillery would cost, or what
mode of working would be.

63. Mr. *Ayrton.*] Have you made any accu-
observations as to the yield of spirit from
ent qualities of malt?—Yes.

64. Can you tell us for instance, what is the
ence in yield of the heavy and the pale
?--I should put down that a quarter of bar-
f the finest quality used for malting would
unmalted state, contain 23 gallons of spirits.
at same quality of barley underwent the
ess of malting, the produce would be reduced
bout from 19 to 20 gallons, taking measure
neasure; as high as 20 you might say for
fine malt. Then when you come to lower
ties, and when you come to barley only
hing 52 lbs. to the bushel, I should say that
d produce about 21 gallons, that would
g down the malt to somewhere about 18 or
llons, measure for measure.

65. How would you describe that barley in
rade?—Maltsters would buy 53 lbs. barley
ears when they cannot get any other; but, generally speaking, barley running from 50 lbs. to 52 lbs. would go more as feeding barley.

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4666. What would that yield as barley?—About 20 gallons to the quarter.

4667. What would it yield if made into malt?—About 17 to 18 gallons.

4668. That you would take as the lowest class of barley would you not?—No; you then come to the Black Sea barley, that barley only weighs in its natural state about 47 lbs. or 48 lbs. a bushel. It is made up in the market to 50 lbs. a bushel. Then the bulk is greater on account of its being made up to that weight.

4669. What would it yield as barley?--Not more than 19 gallons to the quarter.

4670. What would it yield when malted?—As low as 16 or 17 gallons.

4671. Is that the lowest quality you bring into consumption?—Yes, we hardly ever go so low as that; we prefer the 50 lb. or the 52 lb. barley.

4672. That may be said to represent pretty accurately the scale of gradation of the yield of the various qualities of barley?—Yes; the foreign Pomeranian barley, which is used very much indeed in malting for distillery purposes, will run from about 52 lbs. to 53 lbs. a bushel; that, in spirit, would yield, if it is well prepared, from 20 to a little over 21 gallons per quarter.

4673. And what would it yield in malt?—18 or 19 gallons a quarter.

4674. Have you tried at all any barleys grown in Bavaria, or Austria and Germany?—No, I do not think we have ever tried any of the Austrian barleys; I do not know whether any of the Austrian barley goes to Odessa.

4675. It goes to Trieste?—No, we do not use any of that as a rule.

Sir CHARLES PRESSLY, called in; and Examined.

Sir *C. Pressly.*

376. *Chairman.*] I think you were the Chair-
of the Board of Inland Revenue for a con-
rable time?—For six years only.

377. How long is it since you have left the
rd?—About six years.

678. Did you, during that time, turn your
ntion to the malt tax?—It came under my
rvation, certainly.

679. I believe you are not prepared to go into
question of a duty upon beer?—I have not
eshed my memory upon it.

680. Have you turned your attention to some
y being levied upon private brewers?—I con-
red that question, certainly.

681. I should like, if you would kindly give
Committee your opinion as to how the duty
ht be levied upon the private brewer?—I
k the private brewer might be called upon to
e a return upon his tax paper of the quantity
nalt he brewed during the preceding year.
not every one who brews, certainly; if you
not brew there would be nothing to fill in the
mn in the paper. We return the number of
iages, horses, dogs, servants, armorial bear-
, and a space might be left for the quantity
nalt brewed by the private brewer.

682. You think from what you know of the
in which the assessed taxes are collected,
a fair return would be made by each private
wer?—I think you would get a fair return.
not mean to say that the brewer may not be
ted, as it is in the return of horses and car-
riages; but still, every gentleman who brewed would put down the quantity of malt which he brewed in the preceding year.

4683. It would not be an inquisitorial tax, and could be easily collected?—Not at all; if the tax is repealed upon malt, and put upon beer in any other shape, I do not think it would be inquisitorial in expecting every gentleman who brewed to make a return of the quantity of malt used in the previous year.

4684. What would you do with the smaller class of brewers; the cottage brewers?—I would charge a minimum license for the cottager, if he escapes it would not be of much importance; if the cottager brewed, he might be charged a mininum license of 1 *s.*, or 2 *s.*, or 3 *s.* a year.

4685. You would charge every cottager, who brewed, a minimum license?—I would require everybody who brewed to take out a license. In the tax-paper he would be charged a small sum for his license, and he might be charged 2 *s.* 7 *d.* a bushel for malt, supposing that to be the rate at which the tax would be levied upon the beer, in the event of the malt tax being repealed.

4686. Would you make the overseers in each parish collect the tax?—No, the collector of taxes; the surveyor of taxes would look after it, in the way that he does after horses and dogs.

4687. There is a surveyor of taxes for each parish?—Yes, there is a surveyor for every parish, though he does not always reside in the parish.

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4688. Then you think there will be no difficulty in collecting the tax?—I do not think there would be any difficulty in it.

4689. Mr. *More.*] Should you require all persons, even cottagers, to give a return of their brewing?—The excise officer, or surveyor of taxes, would know whether a man brewed or not; in small cottages you might require a man to take out the license, provided he brewed.

4690. Would it cause any serious loss to the revenue, if cottagers were exempted?—Not a very great loss.

4691. It would save a great deal of trouble if they were exempt?—Yes, the loss would not be very great.

4692. Are you aware that in Prussia the cottagers are exempted from any such tax?—No, I am not aware of that.

4693. Mr. *Ayrton.*] Are you aware that the Commissioners of Assessed Taxes of Inland Revenue have now under consideration the total abolition of that which you have been describing; and that it is found to lead to so much evasion that they are considering the expediency of another method of collecting the assessed taxes?—Yes, I have heard a report that it is in contemplation, but in the event of the assessed taxes being converted into a license, this scheme would fall to the ground; I now assume the law to stand as it is at present; a return being required of dogs, armorial bearings, and other things, the number of quarters of malt used might be added to that return.

4694. I think we must omit dogs, because dogs are subject to the new system; it was discovered, in fact, that there was an enormous amount of evasion under the system you have been describing?—Yes, there was an enormous amount of evasion.

4695. *Chairman.*] Supposing all the assessed taxes were converted into taxes raised by license, there would be no difficulty in raising a license upon private brewers the same as there is now in raising a license upon dogs?—Not in the least.

4696. Mr. *Ayrton.*] The difference being this, that you can see the dog, or the carriage, the house, but you cannot see the beer?— but the excisemen ought to know whether a brews or not.

4697. Still, you cannot see the beer?— beer would be of no consequence; he know man brews, and he knows that he must requir certain quantity of malt.

4698. But he cannot see the malt?—No, i like the income tax; you cannot see a man's come, but he puts down what he pleases.

4699. It would be the same sort of tax up the virtue of the community as the income is, that they would measure it by their honesty?—Yes, certainly.

4700. Lord *Eustace Cecil.*] Have you e considered the system of composition as to vate brewers; that is, if the private brew brewed, that he should be taxed so much head per year on the number of people in household?—I never heard it suggested.

4701. Are you aware that 100 or 150 yea ago that was the practice?—I am not.

4702. That private brewers were in those da able to compound at so much per head, accor ing to the number of the people on their esta or in their household?—I was not aware of th fact.

4703. I suppose if there was any brewing goi on, and if it was discovered, a man would be fin very heavily?—Yes, there would be evasion, there is now in other things; I only say that th is the mode by which you might get at the turn.

4704. You have never considered the schem of composition?—No.

4705. Mr. *Read.*] The amount of malt use by private brewers is so very small that yo think you need not fear a very great falling in the revenue?—No, the amount of duty nece sarily collected from private brewers must be small that I do not think that there would much object in collecting it; at the same time, think you might get something like a fair retur of the quantity of malt used by private brewers

ELIAS AMOS, called in; and Examined.

E. Amos.

4706. *Chairman.*] You work for Mr. Manfred Biddell?—I do.

4707. Where do you live?—In Playford, in the county of Suffolk.

4708. Near where?—Near Woodbridge; post-town is Ipswich.

4709. How long have you lived with Mr. Biddell?—I have been with him 27 years.

4710. Have you lived with him all that time?—I have.

4711. Are you a native of Suffolk?—I am.

4712. Were you born there?—I was.

4713. Do you ever buy any beer in the cask?—No.

4714. Do you have any malt allowed you?—Yes.

4715. How much?—Three bushels.

4716. When is that allowed you?—In the harvest.

4717. Do you ever buy any malt besides that?—I do.

4718. How much do you buy at a time?—I buy a bushel and a half at a time, and I have bought a bushel at a time.

4719. When was the last time you brewed?—About eight weeks ago.

4720. How much did you brew at that time —A bushel and a half.

4721. How much did that make?—It mad 39 gallons.

4722. How much did it cost you?—The mal cost me 9 *s.* a bushel, and the hops 2 *s.* a pound.

4723. What did your firing cost you?—On shilling.

4724. Mr. *Ayrton.*] How much hops did yo put in?—One pound and a-half.

4725. *Chairman.*] What did your yeast cost —Threepence.

4726. What are your grains worth out of that —Fourpence a bushel.

4727. That will be sixpence for a bushel an a-half?—Yes.

4728. How much yeast would you make ou of your brewing?—Three pints.

4729. What do you get per pint for your yeast?—Threepence.

4730. You would get 9 *d.* for the yeast, and 6 *d.* for the grains?—Yes.

4731. You get two bushels of grains, for which you get 8 *d.*?—Yes.

. What do you do with the yeast, do you
ith it?—I do.

. What do you put your beer into?—

. What sort of casks are they?—Eighteen
, 12 gallons, and nine gallons.

. What do you consider you drink your
; how much a pint?—It does not cost a
eal; 6 *d.* a gallon.

. Would it be better than the 2 *d.* public-
beer?—It is not so strong as publicans'
but it is better for a man to do hard work
an publicans' beer.

. Can a man do hard work upon publicans'
-No.

. What effect has it?—He feels so bad,
ot do hard work.

. It gets to his head?—Yes.

. It makes him feel so bad?—Yes; it
a man feel too bad to do hard work, and
ys wants to be drinking.

. You never buy beer by the cask?—

. Do you ever buy a pint of public-house
-I do.

. What do you pay for that?—Two-

. How many times do you brew in the
-Three times.

. You brew the greatest quantity in the
?—I do.

. Are you a married man?—I am.

. Does your wife brew?—I always brew
t of it.

. Have you got any children?—I have.

. How many?—Four.

. Do any of them work?—No; the girl
n out a little to work this year for the
e.

. What do you earn in a week?—When
the whole week by the day, I get 12 *s.*

. Does Mr. Biddell employ you by the
much as he can?—Yes.

. What can you earn working task?—I
rned 15 *s.* a week.

. What does your girl earn?—Fourpence

Does your wife go out in the field at
o.

Did you ever know a man sell his malt
beer?—No.

They always brew?—They do.

. Do you think you would always brew
could get the malt tolerably cheap?—I

. You like it a great deal better than
house beer?—Yes.

. Would it be the custom with all your
ours to brew?—Yes; they told me they
do so last night when I came away from

. Have you harvested anywhere else be-
ith Mr. Biddell?—One year.

. Have you ever harvested with any one
id that he would prefer to have his money
nalt?—No.

. They would rather have the malt than
ney?—Yes.

. You think that they would make the
etter; and, if they had the money, they
o to a public-house for the beer?—Yes.

. If malt were cheaper, should you brew
eer than you do at the present moment?
ould.

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4766. Supposing the malt were at a price that you could brew beer at 3 *d.*, or even 1½ *d.* less than you can brew now, do you think you would brew a great deal of beer?—I should brew more than I do now; but I should not brew more than I wanted then.

4767. Supposing malt were only two-thirds the price it is now, do you think that as much tea would be drunk as at present?—No.

4768. You think the people would prefer the beer to the tea?—I do.

4769. Could they work better upon the beer?—Yes.

4770. Is there no other reason why you think they would drink beer instead of tea; would it not cost more to have a fire, night and morning, to make your tea?—Beer does you more good than tea.

4771. Does not the fire cost money to make your tea hot night and morning?—Yes.

4772. You think beer would do you more good that tea?—Yes; I always feel the better for it.

4773. And do you work better on it?—I do.

4774. Lord *Eustace Cecil.*] What do you brew with?—Sometimes I brew with coal, and sometimes with wood.

4775. What do you brew in?—In the copper.

4776. Do you know what the cost of that copper is?—It cost 1 *l.*

4777. What do your casks cost you; you have three casks in which you put your beer?—I did not buy them new.

4778. What did you give for them second-hand?—I gave 7 *s.* 6 *d.* for the half-barrel, 5 *s.* for the 12 gallon one, and 4 *s.* for the 9 gallon one.

4779. What do you cool your beer in?—In a tub.

4780. What do they cost you?—I did not go the dearest way to buy my tubs. I bought one of the rum-puncheons, and cut it in half. I got it cheap.

4781. Do you ever wash in the tubs at all?—No.

4782. Do you never use them for any other purpose but brewing?—No.

4783. You get them for almost any price, I suppose?—They are not given to us; they cost us 12 *s.*

4784. Does the beer you make keep well?—It does.

4785. I suppose you keep it for some considerable time, do you not; you brew three times a year?—Yes.

4786. You have to keep it a considerable time?—No; I do not keep the beer very long.

4787. Have you ever tried keeping public-house beer at all?—No.

4788. As far as you know, you think the beer you brew at home, will keep better than the public-house beer?—I do.

4789. Major *Parker.*] The copper which you have you use for other purposes besides brewing; you would have the copper if you did not brew?—I do not use it for any other purpose except for boiling water.

4790. Mr. *Read.*] So that if you did not brew you would want the copper?—Yes.

4791. Do you ever lend those tubs out to your neighbours, or go in partnership with them?—I do lend them once in a while, because they have not got some themselves.

4792. Do

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4792. Do you sometimes go without beer for some months together?—Yes; in the winter.

4793. What harvest wages do you get?—About 24 *s.* a week.

4794. They give you this malt as well?—Yes.

4795. How long does the harvest last?—Sometimes five weeks.

4796. You think if malt were 5 *s.* a bushel instead of 9 *s.* 6 *d.* that you would have beer all the year round?—If I had the same money as I have now.

4797. Mr. *Arthur Peel.*] How much beer do the labourers about you consume a day in the harvest?—There is a difference now in drinking, some drink more than others.

4798. What should you say a man ought to drink?—I drink six pints a day, and some drink a great deal more.

4799. You brew 39 gallons each brewing?—I make good beer when I brew it for the harvest. I brew two bushels instead of 1½ bushel, and make the same quantity of beer in harvest. I want better beer when I work hard.

4800. When you are out of beer, do you have to go to the public house?—Yes.

4801. You do not like tea instead of beer?—I cannot work so well on tea.

4802. What do you say as to coffee?—The same for coffee; I like beer best.

4803. Mr. *Ayrton.*] How much do you consume in an ordinary day when you are not on harvest work?—I only drink it for dinner and breakfast. I carry a quart for a day.

4804. You drink a quart a day generally?—Yes; a pint for breakfast and a pint for dinner.

4805. Is that the ordinary quantity drunk by people about you?—That is all I can afford.

4806. Would you want more than that in an ordinary day?—In summer time I should, but not in the winter time.

4807. Is there any milk drank by the labourers in your part?—Yes, you can buy milk.

4808. What do you pay for it?—Three pints for a penny.

4809. That is skim milk?—Yes.

4810. And how much do you give for unskimmed new milk?—Three-halfpence winter time, and a penny in the summer.

4811. For a pint?—Yes.

4812. Do you ever mix oatmeal with water in the same way that mechanics do when hard at work, and drink it instead of beer?—No, I always drink beer when I can get it.

4813. Do you know that people who work very hard, and are exposed to the heat, do not drink beer to work upon; that they drink water with oatmeal stirred into it?—No.

4814. If I were to tell you that some people in this country who do the hardest work in England, and who are under the greatest heat, such as blacksmiths, do not drink beer, but drink water with oatmeal stirred into it, do not you think you might dispense with the beer?—I do not know.

4815. Mr. *More.*] Which would you sooner work upon, oatmeal and water, as Mr. Ayrton recommends, or beer?—Beer.

4816. Would you like to change your service and work for him on those terms?—No.

4817. Could the wives of labouring men brew if they had the materials?—Yes.

4818. Would a labourer be able to buy the tubs for brewing?—Yes; not all of them; they cannot; some of them have large families.

4819. Might not some of the families j gether, and get them?—There they agree.

4820. Suppose a labourer's wife coul beer at home, do you think the husbands prefer spending their evenings at home wit wives and drink their beer, or would th go to the public-house?—I should think would stay at home, or ought to do.

4821. A good husband, like you, woul at home?—Yes.

4822. Mr. *Ayrton.*] But they go to the p house for company?—Some do.

4823. And then they drink beer becaus are obliged to do it?—Yes.

4824. Unless there was some other pl which they could meet together for com they would still have to go to the public-h —I should think they would not.

4825. *Chairman.*] How much do you year for your cottage?—4 *l.* 7 *s.* 6 *d.*

4826. Have you a piece of garden?—I have a nice garden.

4827. How many rooms are there in cottage?—Two upstair rooms and the ones.

4828. And a pantry?—Yes.

4829. And a washhouse?—Yes.

4830. Have you a cellar?—No.

4831. Three quarts of beer is about the quantity allowed to a man in harvest time, posing they have not the malt?—I hav malt.

4832. Do you know what quantity of b allowed where they do not get malt?—No.

4833. You do not know that three qua the usual allowance?—I do not.

4834. Have you any difficulty in getting in your neighbourhood?—No.

4835. You can get plenty of milk?—Yes

4836. Mr. *Ayrton.*] Do you eat bacon day, or do you eat meat?—I have not piece of meat this week, until this morning.

4837. What is the general way in which live in your district?—We generally eat po

4838. You do not get much fresh meat in district?—No.

4839. Do the people about you do as y in brewing, generally?—Yes.

4840. Mr. *Read.*] Do all the labouring brew in your parish?—Yes, all of them.

4841. Is that the custom round about i other parishes?—Yes, I think it is, when can get the malt.

4842. Sir *Edward M. Buller.*] You hav cellar; where do you keep your beer?—In pantry.

4843. Is the pantry a cool place?—No.

4844. Does your beer turn sour?—I hav had any yet.

4845. How long do you keep it?—We d keep it a great while; I have got some now vessel, which I brewed eight weeks ago.

4846. How soon is it fit to drink after h ing?—We drink it almost directly; we do let it stand above a day or two.

4847. It is better for keeping some little is it not?—Yes.

4848. Do you brew a bright, clear bee looks a little thick?—It gets clear by keepi

4849. Is that as strong as what you get a public-house?—No, I do not think it is so str but I think it does a man more good for hard to drink it.

4850.

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Mr. *Ayrton.*] Do people in your part of ntry eat barley in any form?—No.

Did you ever hear of a man eating barley form?—I did not.

Mr. *Read.*] Can labourers in the generally get all the new milk they —They can get it if they have got the it is to be had.

Farmers generally sell the skim milk?—

But will they sell the new milk in the ay?—Yes, they buy the new milk, too; have to give more money for it.

You generally buy the skim milk?—

Do you often go and spend your even- the public-house?—No.

Is it the common custom of men about There are a few who go and spend their ere, and a good many do not go.

Do the best labourers spend their even- he public-house?—No.

Are they married men or young men?—They are mostly young men. I do not think that many married men go.

4860. I think you said that some persons were so poor that they could not buy the tubs, and that they made shift with something else?—They borrow them.

4861. Mr. *Ayrton.*] Do you or your family eat any kind of grain besides wheat for food?—No.

4862. You do not eat rye-bread?—No.

4863. Or anything but wheaten bread?—No.

4864. *Chairman.*] You always eat the first flour, or the second flour?—The second.

4865. Do you find that the second flour goes further than the first flour?—No.

4866. The first goes further in my country; the poor people eat the first flour, they say that it goes further than the second flour?—I have heard folks say so too, the cheaper the flour is, it is not so good, and it does not go so far.

4867. You yourself do use the second flour?—Yes.

4868. Mr. *Read.*] You never use wheat meal to make brown bread?—No.

Mr. CHARLES BENJAMIN FORSEY, called in; and Examined.

Mr. C. B. Forsey,

. *Chairman.*] YOU are the Chief Survey- neral Examainer of Excise?—I am.

. I think you have been in a position since mencement of this year?—I have.

. Before then you were a surveyer gene- miner?—I was.

. And you were in that position 15 years?

. So that you have had very great expe- with reference to the collection of excise on spirits, malt and also licenses?—I

. During the years 1856, 1857, and 1858, ed to go very much about the country?— rom 1853 to 1858.

. Since that time you have been more or ationary?—Yes; but I have gone out on tion and inquiry since then.

. It is principally in connection with ents, and so forth, that now come before ith reference to spirit and malt duties and s?—Yes, the general control.

. Did you hear the evidence of Mr. enson and Mr. William Carling at the com- ment of this enquiry last year?—I did not . I know what evidence they gave, and ur in it.

. They went into the whole system of ax from its commencement, and we then Mr. Stephenson that, at the close of our y we should most likely wish to have some ation with reference to the duty on beer, cense duty, supposing we thought it was able to impose one instead of the present ax?—Yes; I have had communication with tephenson on the subject.

9. You have also formed an opinion upon ubject?—I have.

0. Supposing the malt tax were repealed, u think it would be practicable to levy a upon beer?—I think it would be practi-

1. Do you think it would be wise and to impose a duty upon beer, or would it erfere with the brewers' business that it be an imprudent step to take?—I think it would not be a prudent step to take on that account; not on that account alone either, but that is one reason why I would not recommend a beer tax.

4882. You would not recommend a beer tax, because you think it would very materially interfere with the process of making beer?—Yes, very materially; but the plan of charging the duty now, if we have to frame regulations, would be very different to that in existence with the old beer duty. Any regulations for collecting the duty must necessarily interfere with the operation of brewing and fermenting; so as to make the tax secure, and anything short would not be satisfactory or equitable to the general trade, and ultimately would weaken the tax, and there would be a danger of losing it altogether.

4883. If I understand you rightly, the regulations would be nothing like so stringent as they were in the collection of the former beer duty?—I think they would be as stringent, or nearly so, up to the period of cleansing, that is, starting the worts or beer from the fermenting vats. We must have the whole of the worts collected in proper vessels to take an account of the quantity and the quality.

4884. So that every time an operation of that kind had to be performed the exciseman would have to be upon the spot?—Yes, but we are in a better position to check the operations of the brewers now than we were prior to 1830; but we must necessarily interfere with the brewers' operations.

4885. Have you considered the subject of imposing a brewers' license or a duty in some such form as that just mentioned?—I have.

4886. How should you propose to levy a brewer's license?—It would depend somewhat as to the amount of revenue to be raised on the license.

4887. We presume the same amount of revenue is to be raised as is now raised by the malt tax?—I think we have got to the limit as to the rate for a brewer to tax himself. I think the present rate of license on the brewer is the limit at which we should, with any degree of security, allow a man to

Mr.
C.B. Forsey,
——
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to some extent to assess the charge himself; he makes an entry, and we have certain checks upon him. I am speaking of the check upon the material itself; say the malt; the brewer gives notice, and enters the quantity to be brewed; if we had a tax upon the material, the malt could not be used in its whole or unground, or uncrushed state; it must be ground or crushed, therefore we could not get a correct measurement of what is called the grist when it is put into the mash-tun, so that we should require an account probably by weight, or measure and weight combined, to get a starting point for the charge; assuming that we have a correct charge of the grist, there is another difficulty that follows; when the operation of brewing is completed, the grains would be the only real check we should have, unless we kept an officer continually in charge of the mash-tun; those grains will gauge differently, according to the extent of the exhaustion, or of the skill of the brewer; we feel now that the check is not complete to within 20 per cent. The instructions to our supervisors are, not to report a case where the goods or grains gauge more than the malt used if the excess does not come up to 20 per cent., so that assuming we had a correct account of this malt or grist, there would necessarily be a large margin for the fraudulently disposed.

4888. How do you collect the present license?—We supply what we call an entry paper to each brewer; he is obliged to enter the day before brewing the quantity he intends to brew, the hour of brewing, and the hour when the goods, that is the grains, will be ready for gauging. Occasionally an officer attends and gauges the grains; he knows the area of the vessel; he takes the depths, and finds the average, and knowing how much it will contain to an inch, the quantity by gauge is very easily ascertained; and if it is 20 per cent. above the malt entered on the paper, the case is reported to the Board, and there is an investigation.

4889. When is that duty paid?—The entry paper remains with the brewer from the 1st of October, when it is delivered, to the 30th of September in the following year, and the officer attends once in 14 days, or oftener; once in 14 days he is compelled to go and take a check of the brewings.

4890. How often is the duty paid?—The charge is made at the end of the year, the 30th September, and it is paid one half then, and the other half six months afterwards.

4891. We have it in evidence, that there is a pre-payment of the duty?—Yes, at the commencement to brew there is a small charge, 12 *s.* 6 *d.* In the first year, the whole of the payment is charged as a surcharge upon the year's work; that is, the brewer pays for the brewing that has taken place the first year, less the 12 *s.* 6 *d.* paid; then there is a charge made for the next year, which is paid in two instalments.

4892. Then it is not quite correct to say that it is a pre-payment?—The second year there is a pre-payment; he clears off the first year as a surcharge.

4893. Could there be any objection to the charge being paid six months after each year commenced, instead of being a pre-payment?—It was so arranged at the time; the hop duty was paid in November and May. The first payment just equalised, or about equalised the
receipts in the Exchequer for the year fo
hop duty.

4894. I think that the malt duty is paid
six weeks' credit, excepting the last two mak
—Yes.

4895. A moiety of that is deferred fo
weeks?—Yes; 18 weeks altogether.

4896. Why should not the brewers' licen
collected in the same way?—A great
brewers' licences are at low rates; it woul
a great deal of trouble; we do not take them
by instalment unless the rate exceeds 10 *l.*

4897. Why should not the brewers' licen
collected twice a year, and not by pre-payn
—All licenses are paid in advance, that
only reason; but when you come to so la
sum, there is perhaps a reason why you sl
introduce a different rule.

4898. You would have no more fear tha
brewer will not honestly and fairly meet th
mand of the State in paying that license,
you have that the maltster will not do it no
am supposing the tax to be transferred fro
malt to the beer in some shape; you would
no more difficulty with the brewers as an h
class, than you have with the maltster?—I
it, it would only be a license in name, it
transfer the whole of the present malt du
what may be termed a brewer's license.
could not apply the ordinary rules of colle
a license duty, because of its amount.

4899. Supposing Parliament considered th
was the best way of raising a tax, should yo
your position, see any difficulty in collecting
tax?—No; we could collect it. But, in fai
to the brewers, we should have to collect i
roundly-payments; that is making up a ch
for the brewing at the end of the round.

4900. Do you think the revenue would s
by such alteration?—It all depends upon
regulations Parliament would give. I
were laid upon the materials alone, I should
it would be a very great risk for us to undert
for the reasons I have already stated; nam
the few checks. We might get a correct ret
of the malt first put into the mash-tun; bu
should have a very indifferent check upon
operation afterwards; more might be added a
the officer had left the premises.

4901. There would be the complete syster
checks which you have suggested?—I sh
take an account of the quantity, and the qual
that is, the specific gravity of the worts in
fermenting tuns, and should keep each op
tion of brewing distinct and under survey.
cannot see my way to undertake the respo
bility of collecting six millions or more
anything short of that. You would get it f
the principal brewers; I believe they w
enter the materials fairly; but there would
unprincipled men who, though not now in
trade, would come in, if there were such an
ducement, and it would cause the tax to be a
uncertain one. If we were to charge the d
on the beer brewed, then we could secure
revenue; but not so safely as we secure
malt duty; but I think we could fairly sec
the revenue.

4902. Mr. *Ayrton.*] I understood you to
that it would involve so large an interfere
with the operations of the brewers; that it wo
lead to an agitation against the collection of
revenue altogether, and ultimately probably
its not being collected?—It would probably

gitation. But my remarks as to an agita-
nd to the fear of losing the tax, applied
particularly to charging a duty on the
ls used. When we come to charging a
uty, I believe there would be great inter-
with the operations of the brewers; and
e have to consider that we have to deal
very much larger number, and should
e with their trade; and, besides that, we
not have so safe a check in collecting the
ity as the malt duty.

. *Chairman.*] Still as an experienced
of the excise, you think that the difficulties
be overcome?—Certainly, we could col-
beer duty.

. Have you turned your attention to pri-
rewers. You heard what Sir Charles
said. Is it your opinion that that would
best way of collecting it?—No, it is not.
ling to Sir Charles Pressly's plan, a man
have to give an account 13 months after
commenced to brew. He would get his
ient paper in April or May, and then he
have to give an account of his brewings,
ncing from the 31st of March, in the pre-
year. That would work very badly, and
ould have no check upon fraud by that
charging a license duty on private per-

5. Supposing the first year a man gave a
of that which he brewed the year before,
not that be fair?—It would be fair if he
do it. The man who has been examined
day is a good sample of the agricultural
er. If you called upon him to give returns
back 13 months, say to his April brew-
e could not do it. You could not raise
ense duty in that way. My plan would
ve had a license duty, that we should charge
ain sum, say a duty equivalent to that on
of malt at the commencement, and
the person who applied for this license,
ry paper to enter his brewings as he made
and at the end of the year he should return
paper, with a declaration to the truth of
ntries. But then we could not protect
evenue from fraud, without giving the
what we call the right of entry. The
on then remains whether the House of
ons would give the Excise officers that
.

6. Do you not think that taking the run of
nd through, the declaration, on the whole,
be a fair one?—There is no doubt, taking
hole, we should get the tax pretty fairly.

7. And that the revenue would suffer very
—It would not be so much what the re-
would suffer, as the complaints from the
ed brewers, if we had anything like an
fect check on the operations of the private
rs.

8. Would it not act in the same sort of
hat the dog tax has acted, that one man who
aid the old tax for a considerable time, did
e to say much about his neighbour; but
hat the license is only 5 *s.*, he gives infor-
n if his neighbour does not pay?—I think
ould get the tax generally upon malt.

9. Supposing assessed taxes were done
with, if the tax were levied in the same
s the dog tax is levied, would there be any
lty?—Of course there would be the chance
rmation that you speak of; but a neigh-
would not be the same check upon a man's
7.

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brewing as he would be upon his keeping a dog; because he would not know, unless the person who brewed told him, if he had taken out his license, whether he had brewed once or twice, or thrice.

4910. But the surveyor of each parish generally knows, or could make himself acquainted with those people who brewed?—Yes; but I am speaking of its being carried on for a fraudulent purpose.

4911. Even a police constable could give you some information upon that point?—Yes; he might.

4912. Sir *Edward M. Buller.*] Would it be practicable to collect the beer tax in the manner you proposed without a very considerably increased number of Excise officers?—It would not; we should require an increased number.

4913. Relying as you would, upon the returns of the brewers themselves?—I speak of collecting the beer tax by keeping an account of the quantity and quality of the beer brewed; that would require a considerable increase of officers.

4914. Would it not be necessary for the officers to attend at particular times; otherwise might not a great loss be incurred?—Yes; they would have to attend at different times; but we should not require them to be so exact in their attendance. Before fermentation set in they should take the account; but we need not be so particular as to that.

4915. Why is that?—We have the means now of determining at any time what we call the original gravity of the beer, the strength at which it is brewed, which we had not then.

4916. But you must test the value of the beer before it is barrelled?—To have any check, we must keep it distinct during the fermentation in the vats. We must take an accurate account of it there; we could not get an accurate account afterwards.

4917. The duty on beer now being small, you rely upon the fidelity of the returns of the brewers?—Yes; but they are checked.

4918. Supposing that instead of being 3 *d.* a barrel duty, you raised it to 6 *s.* a barrel, could you equally rely upon the returns made by the brewers?—No; because the temptation would be so great.

4919. Mr. *Read.*] What further checks than those now in force, would you think it necessary to have upon the brewer?—The brewer must keep his processes distinct. If he had one or more fermenting vessels he should declare the quantity and the specific gravity in each.

4920. What right have you over the brewers now, or what operations can you inspect?—We have the right of entry into any part of the brewery to inspect. Of course, for the license duty we do not follow up the extract from the malt.

4921. Mr. *Ayrton,*] You mean the breweries for the sale of beer?—Yes; the breweries for the sale of beer.

4922. Mr. *Read.*] Then you do not consider measuring the grains is any correct test of the quantity of malt used?—If it is within 20 per cent. officers do not report any increase.

4923. What does that increase result from; the stupidity of the brewers in not obtaining all the extract, or do you think it is occasioned by fraud?—Sometimes from bad, steely, mucilaginous malt, that will not saccharise, and sometimes from want of skill and setting the mash.

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4924. Has the use of sugar increased during the last few years?—Yes.

4925. What check is there upon the brewers as to that?—They are required to take a special licence, so that if the officer went in, and found sugar, where they have not a license, it would be an offence. They are compelled to enter the quantity they are going to use, and the officer is directed to attend occasionally at the time, and see it put in.

4926. There is no sort of check in the way of measurement?—Not when he has gone. They might add sugar after the officer had left. It would depend upon their honesty as to whether we should get the duty on it or not.

4927. You have not in the case of sugar even the check which you have upon malt?—No; because we have not the grains.

4928. Whereas in the grains you know within 20 per cent?—Yes.

4929. In the case of sugar you have no check whatever?—None, except the right of the officer to go in at any time; he might find them using it, and he sometimes does find the brewers using it without entering it.

4930. Have you any reason to suppose that the revenue loses very much by the use of sugar?—Not very much, seeing that during the last year we have had a large increase in the consumption of sugar used in brewing, and I believe we have had malt dearer than last year, since sugar has been allowed to be used by brewers. There is another remark which I should wish to make with regard to the consumption of sugar last year, ending 31st December. The consumption was, last year, I think, somewhere about 40,000,000 lbs. That would represent about one million and a quarter bushels of malt; that is not more than three per cent. upon the quantity of malt used, therefore the risk is only upon what represents three per cent. of the malt revenue.

4931. But the amount of sugar used is very unequally divided; it is not spread among the brewers; the custom is confined to comparatively few, is it not?—A good many use it; there was an increasing number last year; many brewers do not understand the use of sugar.

4932. Then they are comparatively few who use it?—I should think they would be comparatively few, taking the 37,000; but there is a largely increasing number.

4933. With regard to your excisemen in the country, how long are they employed in inspecting a brewery, and how long are they employed in inspecting a malt-house?—At present the inspection of the brewery does not amount to very much; it does not occupy much time.

4934. Supposing a man was to be employed 10 hours a day, what would be the average attendance at the brewery, and what his average attendance at the malt-house?—As a rule, nine or ten malt-houses, with other work, going round and securing the licenses within a district, would give work for an officer. In some places we have nearly 100 breweries, besides other licenses in the division of an officer. The amount of work in a malt-house over a brewery would be at least as 10 to 1. It depends upon how they are scattered. I am speaking now of work within the same area.

4935. If the malt tax were repealed, that man would have a large portion of his time which he now employs in malt-houses to inspect the breweries?—No doubt; but we should require a register of the malt-houses; or if not, a large license from the maltster to protect our duty, especially in Ireland and Scotland, w until recently, illicit spirit was made from m grain.

4936. My question was put more with r to the employment of the Excise officers?— visits would altogether cease at the malt-h except that we should require some regist license which would not occupy a man's ti anything like the extent that the duty, su we have at present upon malt, does.

4937. Mr. *Arthur Peel.*] How would th gulation, necessary in the event of the beer differ from the old regulations in force a time of the former beer duty?—They had two rates formerly; strong beer and table There were certain restrictions as to p marks on the barrels, and so on; the Excis not take any account of the specific gravi the value of the strong beer. At that time was only one rate of drawback upon bee ported; now we have 18, and a large and ing export trade. It would be impossible t lect a beer duty now by taste only, and it not be done without annoying the trade ex ingly.

4938. On your plan of having a beer you would still have a license duty?—Yes; not necessarily to the same extent as now.

4939. What security would you have fo licensed sale of beer against the unlicensed pr brewer, who yet would sell beer in small tities?—I am only speaking of collecting the tax upon public brewers side by side with license duty, to secure the tax on the mate used by private brewers.

4940. An enormous quantity of private bre surreptitiously selling might make a great ference?—Of course, there would be that cha we should not have the same check upon fraudulent brewing by private persons to e the duty as we should have upon the p brewer, whose place was entered, and the off having the right of entry at all times. said before, nothing short of an entry, eve the case of private brewers, would give the o the means of detecting and preventing frau

4941. Mr. *Ayrton.*] At present the li duty is collected at the time fixed by law, w certain credit allowed?—Yes.

4942. Do you think it would be desirable to a the maltster to pay his duty at the time of very?—We have considered the subject at ferent times. It would be necessary to lock the malt produced, and give it out when duty was paid; and that would keep the o continually about the malt-houses. Now he v and takes his gauges, and checks the operat and comes away; as soon as the malt is off kiln, the maltster can do what he likes with i

4943. Supposing a person to have a bo warehouse, and the malt subject to the duty goes out of bond?—There would be the additi labour it would give the maltster and the reve to tax the finished malt. You would wan secure the rooms, so that he could not get at malt until he paid the duty.

4944. He is now liable to the duty as charged upon the couch?—The charge is ra then, and made up at the end of six weeks.

4945. Then he has to remove that malt n but you do not care what he does with it after duty is raised?—No, we do not.

4946. What would be the objection, suppo the duty is raised as it is now, to allowing

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the duty with some regard to his deli-
?—It would give increased labour to him,
gh, at the same time, it would give him a
relief; with such a system of charging
y he could not measure his malt from the
til the officer attended.

. If the duty is now raised when it is on
uch, what difficulty would there be in
him to keep an account of his deliveries,
y his duty, say once a week, upon his
ies, it being open to the Excise to check
any moment, to see that he was com-
no fraud?—It would be almost impossible
any check, on account of the arrange-
f the store-rooms. If he was fraudulently
l, he could give within certain limits any
that he liked.

. Now he may deliver it all out?—Yes;
have security by bond.

Supposing you had the security of a
hat is the objection to allowing him a
o-extensive with his deliveries; I do not
v your security is less?—We should re-
constant system of stocktaking, as a
and it would be exceedingly difficult,
he way in which their store-rooms are
d.

Would it require a very precise stock-
or would it not be sufficient if, at the end
a year, you had an accurate account to see
e balance was properly made up?—You
have what represents an accurate account;
om represented as full of malt the malt
nly be at the top.

Is it your opinion that it is absolutely
y that the maltster should pay the duty
edit, without regard to his deliveries?—
nless we had secure store-rooms, and
account of the malt as it came from the
herwise we should constantly require an
fficer upon the premises.

Supposing the charge is raised upon him
now, would there be any difficulty then
ing him to pay the duty according to
veries without any risk of fraud to the
?—I am afraid a needy man would under-
s deliveries, which could not be checked
a thorough examination of all the malt
ore-rooms.

Would it be very difficult at any time,
ufficient degree of accuracy to prevent
at evasion of the duty?—There should
ny difficulty. But I remember being in
rgh when an alteration was made in the
x, and I found it a very difficult task in-
take an account of the malt in the store-
even with something like reasonable
y.

Do you think it impossible to collect the
malt as it is received by the buyer from
er?—It would burden the trade, the
of the machinery would be so great.
vas a certificate system once introduced,
was given up; it caused great annoyance
maltsters, and they gave up a greater
ce on the couch and cistern for the
be relieved from the certificates.

Is malt now delivered without a certifi-
Yes; entirely.

. Then the intermediate retailer of malt
any quantity he pleases without the
lge of the Excise, and retails it without
nowledge?—Yes; we have only a certificate when it goes to the roaster of malt to be roasted for porter brewing.

4957. Any system that shifted the duty would render it necessary to follow the malt into the hands of intermediate dealers of malt, so as to check their deliveries to the retail trade?—Yes; to charge the duty on the finished article alone.

4958. And you would have to charge all intermediate traders who retailed malt, and make them keep stock accounts?—Yes; if charged when sold to the consumer there was one thing stated with reference to our present rate of charge on the brewer's license as to the unfairness of taking two bushels as representing a barrel of beer. I wish to mention to the Committee that there is no justice in that complaint; because, supposing we charge the duty on the barrel of beer, we should then put the same tax upon small beer as upon beer containing four or five bushels to the barrel; now we put it upon every two bushels. If the beer is stronger, and there is less produced from the quarter, there is more malt in it. Therefore, I think it is equitable.

4959. The charge upon the two bushels of malt in the barrel is the most equitable way of making a charge upon the beer relatively to its strength?—Yes.

4960. The quantity of malt being on the whole the best test of the quality of beer produced?—Yes.

4961. The only people affected by that would be those who may be said to brew a kind of fancy beer depending upon colour and some delicacy of flavour, and who do not consider strength as an element of value, but certain peculiar qualities?—Yes; and even then they are only charged upon the malt used; and in that case they got the greatest benefit on the repeal of the hop duty.

4962. And therefore they are rather benefited by charging merely upon the malt, because you do not put any duty upon their special quality of beer, but you bring it down to a common standard?—Yes.

4963. We have heard complaints made here on the part of the farmers, that the Excise have unnecessarily interfered to prevent them germinating grain for food?—The Excise have not interfered, unless germination has taken place.

4964. At the same time, it has been stated to the Committee that, in the operation in which they were engaged, there was no risk to the revenue, from the circumstances being such as to render it highly improbable, if not impracticable, that they would use the germinated grain for the purposes of beer?—I think it would be unsafe to allow germination generally without some check.

4965. Do you or not, consider that the Excise might lay down regulations under which farmers might be allowed to germinate grain for the purposes of food, without any risk of the germinated grain being used for brewing?—I would engage, if the farmer could point out anything by which we could have reasonable security, that the point would be conceded.

4966. Had you information that in what was going on the farmers were, in fact, using this germinated grain for any purposes, except the professed object of feeding cattle?—Speaking within my time, I cannot say that we had any information; there might have been formerly, but within my period of service and connection with the chief office, I do not remember such an intimation.

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4967. Do you remember the issue of an order to stop the practice which was extended of farmers germinating the grain?—I do.

4968. How many years ago is that?—Within a short period.

4969. Was that based upon any information received by the Excise, that the process was being used for any other than the professed object of feeding cattle?—I am not aware that they had such information, but there was a fear of its being used as a cloak for fraud.

4970. Do you not think, having reference to the peculiar circumstances under which the operation was carried on, that it was very easy for the Excise to have prescribed conditions which would have rendered the opportunities of that use almost, if not entirely, impracticable?—Upon one or two detections being made of maltsters who were farmers, an attempt was made to raise a defence, on the ground that the grain was steeped for feeding cattle.

4971. That was a case where the farmer was a maltster for sale?—Yes.

4972. You might make it a condition that those who were allowed to steep barley should not be allowed to sell malt, precisely as you do for other excisable matters; that they shall not combine two businesses in one, which would lead to evasion. But supposing you made that condition, which would be an essential one, would there be any difficulty in laying down conditions to prevent the farmer abusing the process of merely germinating grain by malting for the making of beer?—The difficulty would be with his neighbour in an agricultural district.

4973. What would be that difficulty?—His neighbour might be steeping professedly for feeding purposes, while he was really steeping grain to be introduced into the licensed maltster's floors to be dried off and sold as malt for brewing.

4974. That he might have delivered it surreptitiously into the maltster's house, if he was within a certain distance, for the purpose of being converted into pure malt?—Yes.

4975. Do you not charge the duty on the couch, and must not that germinated grain go into the couch before it is made into malt?—The most accurate account is taken in the couch; the maltster would not introduce it on the couch, but on the floor, where 100 bushels is charged only 50 for duty, and there would be an opportunity for fraud on the floor.

4976. Why would there be a greater opportunity of fraud by his carting into the place than there is within the limits of the place itself to admit that fraud?—The case would be complete if you found germinated grain in the place adjoining; but if a man could germinate his grain for feeding cattle, the case would not be complete until you proved the moving to the malthouse.

4977. Do you think that an insuperable difficulty, which could not be guarded against by licensing the farmer, to germinate under certain conditions?—I would not say it is insuperable; something might be done, but it is a matter in which we shall have to move cautiously.

4978. Is it the only difficulty you see at present in allowing a farmer to perform this operation, that he might surreptitiously convey it to a malt-house?—Yes; or he might, by some means of his own, dry it and use it as malt.

4979. You want to guard against his converting it in to malt?—It would be malt, ex
drying.

4980. If you did not allow him to have
means of drying, under heavy penalties,
might protect the revenue in that respec
Yes.

4981. As to converting barley into malt
the purposes of food for cattle, how has that
ration been going on under the Act which
been passed?—It has been gradually dimi
ing.

4982. To what do you ascribe that?—P
to the expense; it has been considered an
pensive article, and some of those who have
it have said that they have not found the be
they expected.

4983. Has there been any new skill or sc
brought to bear upon the means of grindin
for food in complying with the Act, or has
one process been followed?—We have only
process; we have samples sent up to the B
we do not insist upon its being quite so fu
it used to be.

4984. What is the last mixing process?—
proportion of linseed meal remains the same.

4985. The conditions are still grinding it
linseed meal up to a certain extent of finer
—Yes; there is more used than appears from
returns; when a maltster has a floor of malt w
does not properly germinate, he points out
floor to the surveying officer, samples are se
the Board, and if it is found not to be very
malt, he is allowed to mix it with linseed
and the duty is remitted, so that there is
than appears from the Board's returns use
feeding purposes.

4986. It is confined still to linseed meal,
nothing else is used?—It is.

4987. Mr. *Henry Surtees.*] Did you ever k
of any case of a farmer having been summ
for sending clandestinely to a malting, b
that had been steeped?—I do not know of
case of that sort. I know a case or two whe
maltster, who was a farmer, set up a defence
he was germinating and steeping for feedin
cattle.

4988. Was that a farmer?—I do not re
ber one single case in England of a farmer ma
malt clandestinely, unless the farmer and
ster were working together in country pl
We have often had cases of malt privately
being sent in to mix with a floor of malt.

4989. *Chairman.*] You were going to giv
some statement of the increase of malt over
after it was malted?—It was pointed out
case of great hardship, with reference to th
hours' wettings, that the increase was so
more. I requested one of our practical of
to go through the books of some of the prin
malting stations: Ware, Stowmarket, Lin
Newark, Wakefield, Pontefract, Bristol, K
ston, and Burton-on-Trent. In the books w
the officer went through he did not find
steepings of 70 hours, except in Burton-on-T
The increases were, 25·1, 27·3, 24·9, 26·9,
27·1, 24·6, and 26·8 per cent. In the
books, with 50 hours' steepings (20 hours
the increases were 24·6, 25·9, 34·4, 27·5, 3
23, and 24. I may state, that the grain wh
have mentioned as being 70 hours in steep, r
sented the only steepings of the kind in the
Those for 50 hours were selected merely to
that the per-centage might be the same in
case as the other, depending upon the qu

e barley; the grain steeped 70 hours was bly steely, and it would not absorb the water dily.

0. Mr. *Read.*] Mr. Ayrton questioned you he possibility of the malt duty being paid is was delivered for consumption?—Yes.

1. That would, as it were, necessitate d stores?—It would.

2. And if you had a bonded store, so that alt tax was not paid until it was just on the of being manufactured into beer, would there ecessity of having so close an inspection over altster in the manufacture?—Yes, he would equire a close inspection, or the malt might ken away before it reached the store-room the open kiln.

3. You would have to watch his premises ch as ever; but would there be any neceso interfere with the process of manufacture ere is now?—Yes, unless you keep the in succession, with a marked difference in rowth, the department could not undertake event the mixing of one floor with another, e removal of a floor occasionally; that is we compel them to have the steepings four apart, that there may be a marked difference floors lying side by side, and we must have still, or an entire floor might be dried off not sent to the store at all, but be sent .

4. You would still want to watch the kiln, e that nothing was taken away, but would want to interfere as you now do with the ter in the manufacture of his malt?—We d, to prevent the mixing or the taking away tire floors. We should want a check from loor to the kiln and store-room, unless the r were in the house always, or the kiln ed.

95. *Chairman.*] Mr. Ayrton said that you d have to exercise supervision over the retail dealer. Now, I apprehend, if the tax were repealed, you would have nothing ever to do with the small retail dealer, behe might sell for feeding cattle, or for any purpose for which malt might be required; t would only be with the malt which was to rewed, that you would have anything to do? orget the connection of my reply to the maltand the retail dealer, but we should not reto follow up the retail dealer if there was alt duty; because we do not do it at present the malt duty.

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4996. Sir *Edward M. Buller.*] The paper which you read, gave us the amount of the increase of barley, when grown?—Yes.

4997. And when the duty is taken in the couch?—Yes, before the allowance is made.

4998. Can you give us any information as to the increase of malt over the quantity of barley. After the malt is dried I want to know how much more malt would you get than you put in of barley?—It depends upon the way it is made; but you may take it from 1 to 7 per cent.; we take 7½ per cent. to make us safe in all cases where duty paid malt is exported on drawback; but 7½ per cent. secures us from any chance of loss. Generally, the principal maltsters prefer to work under more stringent regulations, making malt duty free, if they make and export malt, than to export duty paid malt, and have a deduction of 7½ per cent. made before the drawback is paid; 7½ per cent. is the outside limit, and we are quite safe with it; no doubt with some malt it is not too much.

4999. Mr. *Arthur Peel.*] Is the combination of the businesses of farmer and maltster a common one?—Not so much now as it was formerly; the large brewers themselves make more malt, and we have not now so many farmer-maltsters.

5000. *Chairman.*] Do you think, if the malt tax were repealed, that there would be a great many more maltsters than there are at the present moment?—I doubt it; the large brewers make so much of their own malt, and the trade is concentrating round our principal railway stations, either where foreign barley is easily got or good barley grown.

5001. Do not you think that the maltsters, as a rule, buy that class of barley which, generally speaking, whether it is wetted for 50 hours, or whether it is wetted for 40 hours, would make, so far as they know, the same quality of malt?—They buy what answers their trade best; they would take into account whether the malt, if made from good barley, would be worth so much more than the malt made from inferior barley, so as to pay them for the increased price they gave for the barley.

5002. The tax has a great deal to do with that?—Above 53 lbs. weight there is the same tax whether the barley is good or bad.

5003. And naturally they buy the best class of barley?—Yes; they buy the best class of barley for certain purposes.

PAPER forwarded to the Committee by Mr. *John Clayden.*

TABULAR STATEMENT of the Result of FEEDING 14 BULLOCKS and 9 BULLOCKS respectively at Wenden Hall, near *Saffron Walden*, commencing 30th June 1865, and terminating 30th December 1865.

THE 14 BULLOCKS.

	Weekly Cost of each Bullock.	Weekly Cost of the Fourteen.	Total Cost of each Period of Feeding.	Value of each Bullock, 30th June.	Total Cost of each Bullock to 30th December.
First Period of 13 Weeks from 30th June to 30th September:	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Grass - - - - - - -	– 3 6	—			
6 lbs. of Cake daily - - - - -	– 4 6	—			
Hay and straw chaff - - - - -	– 2 –	—			
Attendance for the whole - - -	– – 1	—			
	– 10 1	7 1 2	91 15 2	—	
Second Period of 4 Weeks from 1st October to 28th October:					
6 lbs. of Cake daily - - - - -	– 4 6	—			
8 lbs. of Bean meal daily - - - -	– 4 8	—			
Hay and straw chaff - - - - -	– 2 –	—			
Turnips - - - - - - -	– 1 9	—			
	– 12 11	9 – 10	36 3 4	—	
Third Period of 9 Weeks from 29th October to 30th December:					
7 lbs. of Cake daily - - - - -	– 4 1	—			
16 lbs. of Bean meal daily - - - -	– 9 4	—			
Hay and straw chaff - - - - -	– 2 –	—			
Turnips - - - - - - -	—				
	– 15 5	10 15 10	97 2 6	—	
Total Cost of Feeding - - $\frac{1}{14}$)			225 1 –	—	
Average Cost of Feeding each Bullock			16 1 6	20 – –	36 1 6
The above were sold for 413 *l.* 10 *s.*, being at the rate of - - - - - -					29 10 9
each Bullock, thus showing an absolute loss per head to the Feeder of - - -					6 10 9

THE 9 BULLOCKS.

	Weekly Cost of each Bullock.	Weekly Cost of the Nine.	Total Cost of each Period of Feeding.	Value of each Bullock, 30th June.	Total Cost of each Bullock to 30th December.
First Period of 13 Weeks from 30th June to 30th September:	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Grass - - - - - - -	– 4 6	—			
	– 4 6	2 – 6	26 6 6	—	
Second Period of 4 Weeks from 1st October to 28th October:					
Grass - - - - - - -	– 3 6	—			
Non-dried Malt, the produce of half-a-peck of raw barley daily - - -	– 3 6	—			
Straw chaff - - - - - -	– – 6	—			
	– 7 6	3 7 6	13 10 –	—	
Third Period of 9 Weeks from 29th October to 30th December:					
Non-dried Malt, the produce of one peck of raw barley, 14 lbs. daily - -	– 7 –	—			
Straw chaff - - - - - -	– – 6	—			
Turnips - - - - - - -	—				
	– 7 6	3 7 6	30 7 6	—	
Total Cost of Feeding - - $\frac{1}{9}$)			70 4 –		
Average Cost of Feeding each Bullock			7 16 –	15 – –	22 16 –
The above were sold for 235 *l.*, being at the Rate of - - - - - -					26 2 2
each Bullock, showing a clear profit per head to the Feeder of - - -					3 6 2

The Loss upon the 14 Bullocks fed upon Artificial Food was - - - - - -	£.6 10 9 per head.
The Gain upon the 9 Bullocks fed upon Non-dried Malt was - - - - - -	3 6 2 per head.
Balance per head in favour of the Nine Bullocks - - - -	£.9 16 11

Memorandum.—I beg to observe, that although the two lots of bullocks were put to different food, and every thing they ate was weighed and measured to them, when first put into the yards to feed, there was no intention of carrying out the experiment so fully, and that the price fixed upon them was the sum at which they were on the same day insured by the Cattle Insurance Association formed at Saffron Walden, as a mutual protection against Rinderpest, &c.

John Clayden.

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TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON

MALT TAX.

Ordered, by The House of Commons, *to be Printed,*
13 *July* 1868.

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Fairness of the malt tax with reference to the price and consumption of beer, inasmuch as the rich pay in a greater proportion than the poor, *Prentice* 1219——Opinion that the public would not get the full benefit of a reduction of the tax, *ib.* 1233–1236——Amount of the duty adverted to as equivalent to 7*s.* on a barrel of beer, *Rudgard* 1417–1420——Material reduction expected in the price of beer if the malt tax were repealed, *Everitt* 1526. 1645, 1646. 1687. 1744–1748——Increased charge upon the consumer on account of the cumulative character of the tax in passing through different hands, *Pitts* 2091–2096. 2121–2127——Opinion that beer is cheap enough at present, and that it would not be any cheaper to the consumer if the tax were repealed, *Sanderson* 2319, 2320. 2439——Impression that if the tax were repealed the price of beer would not be repealed by more than the amount of the tax, *Woodley* 2826–2834.

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Beer-Shops. Immense evils of the beer-house system throughout the country, it being of great importance to place them under the magistrates as regards licensing, *Moore* 856–860——Reference to the beer-shops as the curse of the country, *Prentice* 915.

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Evidence as to the several advantages of a beer tax over a malt tax, and as to the mode in which the former might be levied both on public and private brewers, *Masfen* 123–130. 145–148; *Hunt* 1843–1864. 1905–1907. 1920–1926. 1977–1982——Concurrence of opinion in approval of a beer tax as a substitute for the malt tax, *May* 259, 260; *Heanley* 683–685——Expected agitation against a beer tax if substituted for the malt tax, though such substitution would be a great boon to agriculturists, *Riley* 385–393. 447–451. 484–486. 498.

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tax than of a beer tax, *Moore* 868–878——Doubt as to any advantage to the grower of barley, or to the consumer of beer, by substituting a beer tax for the malt tax, *Everitt* 1528, 1529. 1583–1585. 1688–1719.

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Oppressive manner in which the former beer tax was levied; conclusion as to the impracticability of a new beer tax in lieu of the malt tax, *Pryor* 2938–2946. 3021–3023. 3169–3175. 3196–3198——Inequality of a uniform beer duty without reference to the strength of the beer, *ib.* 3169–3172. 3214——Absence of advantage to the consumer or producer if in lieu of the malt tax there were a beer tax or a brewer's license producing a similar revenue, *ib.* 3199–3211——Grounds for concluding that a reimposition of the beer duty would render it quite impossible to carry on the trade, *Allsopp* 3312–3317. 3482–3484.

Opinion as to the practicability of collecting a beer duty without loss to the revenue, *Forsey* 4877–4880. 4903——Witness, however, does not recommend the substitution of such duty for the malt tax on account of the great and necessary interference of the excise with the brewers' operations, *ib.* 4881–4884. 4901, 4902. 4912–4920. 4937–4940——Means of diverting almost the entire labour of the excise officers from the malt houses to the breweries if the malt tax were abandoned for a beer tax, *ib.* 4933–4936.

Berkshire. Increasing practice in witness's part of Berkshire for labourers to obtain beer direct from breweries instead of from public-houses, there being very little cottage brewing; approval of this system rather than of an encouragement of brewing at home, *Moore* 785–800. 831–836. 847, 848——Gradual disuse of cottage brewing in witness's neighbourhood; difficulty through the want of proper appliances and utensils, *ib.* 792. 795–799. 833, 834. 849–856.

Bitter Beer. Purchase by witness's firm of the best barleys exclusively, for the manufacture of their bitter beer, *Allsopp* 3285–3288——Large export of pale ale by the firm to different parts of the world; decreasing export to some countries through their commencing to malt and brew for themselves, *ib.* 3289–3295. 3302–3308——Alterations made at times in the price of witness's beer in consequence of important alterations in the price of malt and hops, *ib.* 3440–3450.

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Black Malt. Explanation as to the use of foreign barley and of inferior English barley for making black malt for porter, *Woodley* 2704–2709. 2721–2739——Use of some black malt at Romford Brewery in the manufacture of porter, the price being generally less than the price of pale malt, *Matthews* 3503–3505. 3596–3601.

Black Sea Barleys. Evidence relative to the quality of the barley imported from the Black Sea and the Danube, *Ross* 2501–2510. 2520; *Woodley* 2704–2707.

Booth, Mr. Opinion of Mr. Booth of Killerby as to the value of malt for feeding purposes, *Fielden* 4278, 4279.

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Non-objection to an increase of the brewer's license as a substitute for the malt tax, provided it be collected from private brewers as well as public brewers; great difficulty of collection in the former case but not in the latter, *Pryor* 2903–2921. 2947. 2996–2998. 3024–3026. 3054–3062. 3070–3075. 3156–3168——Complaint as to the burden of the present license of 3 *d.* a barrel on public brewers, whilst private brewers are exempt, *ib.* 2906–2911. 3045–3053——Absence of loss to the revenue by levying an increased brewer's license upon the basis of two bushels of malt as the average for a barrel of beer; facility in reducing the amount of the license if there were a surplus revenue, *ib.* 3212–3219.

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Suggestion that in lieu of the malt tax there might be increased licenses for public brewing, malting, and selling by retail, *Webb* 4066–4070. 4131. 4150–4152. 4182. 4191——Statement strongly in favour of a brewer's license as preferable to the malt tax, *Gurdon* 4204–4208.

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Commutation of Tax. Explanation of witness's plan for commuting the malt tax by means of a license or duty to be levied on the superficial area of the malt kilns, the amount of the duty to be calculated according to the annual revenue required by the Exchequer, *Gurdon* 4195 *et seq.*——Security to the revenue under the proposed scheme, the duty only fluctuating, *ib.* 4196. 4201–4204. 4215——Statement to be made by the maltsters of the superficial area of the kilns which they wished to have licensed, and of the time for which they wish the license to run; adequacy of the checks for preventing evasion of the license, *ib.* 4197–4199. 4215, 4216.

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Practice of witness's men to brew at home, the malt for the purpose being supplied by witness; prevalence of this custom in the district about Wolverhampton, *Masfen* 66–68. 74, 75. 88–97. 113. 115–117——Advantage of the yeast from cottage brewing in the case of cottage baking, *Masfen* 141–144; *Riley* 452–461——Impetus to be given to cottage brewing in witness's neighbourhood by a repeal of the malt tax; advantage thereby to the labourers and their families, *Riley* 379–384. 394–398. 426–433. 450–461. 569, 570——Approval of the exemption of cottages from the beer tax, *ib.* 503, 504. 585, 586——Facilities of the labourers for brewing as well as for baking in their cottages, *ib.* 604-608.

Great boon to agricultural labourers in Norfolk if they could brew at home, and could provide a cheap and wholesome beer through exemption from the tax, *Everitt* 1613–1616. 1646. 1679–1681. 1735–1737——Belief that but for the tax a good wholesome beer could be brewed at home for 6 *d.* a gallon, *ib.* 1744. 1761——Opinion that there would not be any great extension of cottage brewing if there were no tax, *Hunt* 1842. 1939–1952. 2019, 2020——Expediency of taxing cottage brewers as well as public brewers if a beer tax be imposed, *ib.* 1982. 2018–2022.

Probable increase of cottage brewing if the malt tax were repealed, *Sanderson* 2359–2364——Impracticability of home brewing by the labouring classes in London and other large towns, *Pryor* 2863, 2864——Practicability of home brewing in the country, and of the production of a wholesome beer, though attended with the risk of the beer being spoiled in manufacture; tendency to a decrease of the practice, *ib.* 2864–2870. 2983–2985. 3031. 3112-3115——Objection to any tax or license in the case of those who brew for their own use; immense difficulty moreover in the assessment or collection of such tax, *Webb* 4068. 4130–4132. 4150–4182.

Great cheapness and facility with which beer may be brewed in cottages; details in support of this conclusion, *Fielden* 4230. 4247–4253——Information relative to the great extent to which cottage brewing prevails in certain townships on the borders of Yorkshire and Lancashire, *ib.* 4235–4242. 4347, 4348——Temperate and steady habits of the people who brew at home as compared with the habits of those who frequent public-houses, *ib.* 4243–4245. 4251——Very small quantities in which some of the people brew, *ib.* 4247–4249. 4372–4375——Description of the operation of cottage brewing in the district, *ib.* 4249, 4250.

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Witness, who is an agricultural labourer at Playford in Suffolk, represents the great advantage to be conferred on labourers generally by increased facilities in procuring malt for home brewing, *Amos* 4706 *et seq.*——Particulars relative to the quality and cost of the beer brewed by witness, as far cheaper and more wholesome than public-house beer, whilst the utensils used in manufacture are very inexpensive, *ib.* 4714 *et seq.*

Conclusions of the Committee as to the great extent to which cottage brewing is prevented by the tax, *Rep.* iv, v——Effect of the tax in preventing agricultural labourers from brewing beer in their own cottages, and in causing the consumption of unwholesome beer, *ib.* iv.

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Expected use of foreign barley in distilling if the duty were repealed, *Moss* 3868–3872.

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E.

East Riding Chamber of Agriculture. Witness has been deputed by the East Riding Chamber of Agriculture to represent the views of the chamber adverse to the malt tax, and submits letters on the subject from the members of the chamber, *Riley* 341–347.

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Everitt, James. (Analysis of his Evidence.)—Is a maltster at Wells, in Norfolk; has also had a large experience as a farmer, 1458–1467——Purchase by witness of the best barley almost exclusively, 1468–1474. 1571–1575——Description of the manufacturing process as used by witness from the first steeping of the barley until the malting is completed, 1475–1479——Less time devoted to steeping accordingly as the malt is of fine and tender quality, 1475. 1482–1490—— Injurious restriction of the excise as to the time for which the barley when steeped remains in the couch, 1475 ——Explanation as to the allowance made by the excise for the swelling of the barley in the couch, 1480, 1481. 1544–1550.

Necessity of witness giving generally three or four months' credit, whilst he pays the the duty every six weeks, 1494–1498——Objectionable restrictions as to the sprinkling and steeping of the barley, though, on the whole, witness has no complaint to make against the excise regulations, 1499–1501. 1601–1603. 1632–1637. 1653–1655. 1764–1773 ——Belief that the malt tax militates against the use of inferior barleys in malting, and that if the tax were repealed there would be a larger cultivation of such barleys, and an increased price, 1502–1508. 1519–1525. 1570. 1576–1579. 1592, 1593. 1604–1606. 1640–1642. 1669, 1670. 1720–1722.

Anticipated increase in the price of the best barley if the tax were repealed, and the consumption increased, 1506, 1507. 1607–1610——Absence of advantage in using the Malt by Weight Act, except in the case of very light barley, 1509——Very good quality of some foreign barleys; doubt, however, whether there would be any increase of import if the tax were repealed, 1510–1514. 1661. 1682——Obstacles to the import of foreign malt, even if the present differential duty were abandoned, 1514, 1515. 1621–1625. 1643, 1644. 1733, 1734.

Average of from 6 *s.* to 8 *s.* per quarter as the difference in price between the best barley and the grinding barleys, 1519, 1520——Material reduction expected in the price of beer if the malt tax were repealed, 1526. 1645, 1646. 1687. 1744–1748——Opinion favourable to free trade in the sale of beer, 1527—— Doubt as to any advantage to the grower of barley or to the consumer of beer by substituting a beer tax for the malt tax, 1528, 1529. 1583–1585. 1688–1719——Decrease in the number of malthouses throughout the country, the malt tax necessitating a large capital, and tending to monopoly, 1530–1533. 1539–1541. 1556–1560. 1565, 1566. 1617. 1626–1629.

Objection by maltsters as a body to a repeal of the tax, witness being an exception, and considering that such repeal would be advantageous to the maltster and brewer, as well as to the original producer and the consumer, 1532, 1533. 1580–1582. 1647–1650—— Varying per-centage of increase in the conversion of barley into malt, the increase being very small where the quality of the malt is the chief consideration, 1534–1538. 1551–1555——Opinion that it would not pay maltsters to return a bushel of malt for a bushel of barley if there were no tax, 1538. 1630, 1631.

Calculation as to the expenses and profit of witness per quarter of malt, the result being that he is satisfied if he realises a net profit of 2 *s.* 6 *d.* after payment of rent and interest on capital, 1542, 1543. 1698–1714——Statement as to an excess of duty being now levied with reference to the amount of barley wetted; more equitable plan if the duty were levied on the dry barley, 1548–1550. 1561–1564. 1638, 1639. 1666–1668 —— Tendency of the tax to create a monopoly of brewers as well as of maltsters, 1556–1560 —— Check to the increasing use of sugar in brewing if the malt tax were repealed or reduced, 1567–1569. 1586, 1587.

Advantage of malt for the feeding of cattle, 1570——Great difficulty in making malt of good quality in very small quantities, 1588–1591 ——Doubt as to beer being much adulterated, save by the publicans, 1594, 1595. 1662–1664——Less inducement to adulteration if beer were cheaper, 1596. 1665——Moderate temperature required in the manufacture of malt, very cold weather being unfavourable, 1597–1600——Just claim of the farmers to a repeal of the tax, 1611, 1612——Great boon to agricultural labourers in Norfolk if they could brew at home and could provide a cheap and wholesome beer through exemption from the tax, 1613–1616. 1646. 1679–1681. 1735–1737.

Varying area of barley cultivated with reference to the price of wheat and the condition of the land, 1618–1620. 1731, 1732——Views of Mr. Bass in favour of a repeal of the malt tax as a matter of justice, 1651——Advantage if farmers were allowed to sprout barley for feeding horses, 1671–1676. 1723–1728——Tendency of an increased import of foreign barley or malt to lower the price of beer, 1683–1686——Statement to the effect that maltsters make no profit on the excess of capital required by reason of the tax, 1688–1719——Reference to the outlay of witness on buildings, and the rent charged upon the steeps, according to size, 1712, 1713. 1729, 1730. 1774–1776.

Advantage to the farmers if they could grow more inferior barley without liability to loss through its being unfit for malting, 1720–1722. 1731, 1732——Per-centage charged by maltsters to meet bad debts, there being an extra loss through the duty paid, 1738–1743 ——Belief that, but for the tax, a good wholesome beer could be brewed at home

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for 6 *d.* a gallon, 1744. 1761——Statement as to the satisfactory profits of witness when formerly engaged in brewing, 1749–1759——Great care and science necessary in malting, the excise restrictions however not being vexatious, 1764–1773.

Excise Regulations. Strictness of the excise regulations as to malting, though it cannot be said they are a vexatious interference with the trade, *Prentice* 901–903. 923–933. 1141, 1142. 1150–1155. 1177–1182. 1201, 1202. 1217, 1218——Possibility of a repeal of the malt tax and a removal of excise restrictions leading to some improvements in the manufacture of malt, *ib.* 903. 919–922. 1130–1132. 1152–1155. 1186–1189——Degree of interference with freedom of manufacture through the excise regulations, though these cannot be considered vexatious, *Rudgard* 1268–1274. 1295–1299. 1358. 1370. 1399. 1405–1408.

Injurious restriction of the excise as to the time for which the barley, when steeped, remains in the couch, *Everitt* 1475——Explanation as to the allowance made by the excise for the swelling of the barley in the couch, *ib.* 1480, 1481. 1544–1550——Objectionable restrictions as to the sprinkling and steeping of the barley, though, on the whole, witness has no complaint to make to the excise regulations, *ib.* 1499–1501. 1601–1603. 1632–1637. 1653–1655. 1764–1773——Great care and science necessary in malting, the excise restrictions however not being vexatious, *ib.* 1764–1773.

Necessary interference caused by the excise regulations, *Hunt* 1906, 1907. 1927–1932——Necessarily vexatious character of the excise regulations, though everything is done by the authorities to make them work smoothly and equably, *Pitts* 2053–2058. 2090. 2113–2115——Frequent gauging of the malting grain by the excise officers in order to prevent fraud, *ib.* 2128–2133.

Constant inspection of breweries by the excise officers without any interference with the manufacture, *Pryor* 2857–2862——Conduct of the excise regulations without any interference with the brewers, *Allsopp* 3309–3311——Opinion that excise inspection of malthouses would no longer be necessary if the tax were converted into a brewers' license, *Matthews* 3715–3724——Nature of the increased checks contemplated by witness in order to secure the revenue if there were an increased brewers' license, or a beer tax, in lieu of the malt tax, *Forsey* 4899–4923. 4937–4941.

See also *Beer tax. Brewer's License. Collection of Tax. Commutation of Tax. Spirit Duties. Sugar.*

F.

Farmers. See *Barley. Cottage Brewing. Feeding of Cattle. Import of Barley and Malt. Private Brewers. Rotation of Crops. Yorkshire.*

FEEDING OF CATTLE, &c.:

1. *Failure of the Malt for Feeding Cattle Act of Mr. Gladstone.*
2. *Evidence as to the Value of Malt for the Feeding of Sheep and Cattle.*
3. *Exceptions taken to the Experiments of Mr. Laws.*
4. *Value of Malt Dust, Grains, &c., for Feeding Purposes.*
5. *Question as to the use of Sprouted Barley for Feeding.*
6. *Result of Experiments by Mr. Clayden in the use of Malt.*

1. *Failure of the Malt for Feeding Cattle Act of Mr. Gladstone:*

Objectionable character of the malt mixture allowed under Mr. Gladstone's Act for feeding purposes, *Masfen* 31–33. 87——Unsatisfactory results of witness's experience in the use of the mixture allowed under Mr. Gladstone's Act, the price, moreover, being too high, *May* 265–274——Wasteful and objectionable character of the malt preparation known as "Gladstone's Mixture," *Riley* 373–375. 577——Instance of the beneficial effect produced upon cattle by Mr. Gladstone's mixture of malt and linseed, the mixture, however, being too dear, and being liable to much waste, *Heanley* 660–675——Discontinuance of the use of Gladstone's mixture in Suffolk, *Prentice* 990, 991.

Decreasing use made of the Act allowing a certain mixture of barley and linseed for feeding purposes; particulars hereon, *Forsey* 4981–4986.

2. *Evidence as to the Value of Malt for the Feeding of Sheep and Cattle:*

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FEEDING OF CATTLE, &c.—continued.

2. *Evidence as to the Value of Malt for the Feeding of Sheep, &c.*—continued.

Large use of malt by witness in the feeding of ewes and lambs, and of milch cows and calves, the result being most satisfactory; mixed form in which used, and quantity given, *Riley* 348–372. 398–425. 434–439. 471–474. 510–517. 575–581——Great value of malt food as a means of reducing the death of lambs, and of thus keeping down the price of mutton, *ib.* 355-360. 546–551. 595–599. 618——Necessity of the use of malt as a feeding ingredient in the feeding of show sheep and rams, *ib.* 363, 364. 475–480——Calculation that one-third of the malt now made might be profitably given to stock, *ib.* 378. 582–584.

Examination as to the increased extent to which witness would use malt for feeding purposes, if the tax were repealed, and as to the amount of saving or of gain thereby, *Riley* 399–425. 510–551. 612–618——Objection to the use of pure malt for feeding; expediency of its being used as a condiment, and mixed with other ingredients, *ib.* 417–425. 462–465. 506. 510. 575–580——Prejudice of farmers in the East Riding against the use of malt, on account of their strong objection to the tax, *ib.* 440. 449–551——Entire dissent from a statement on the part of the Inland Revenue Board, that the value of malt for the feeding of cattle has been greatly overrated, *ib.* 505–509. 581.

Doubt as to malt being better than barley for feeding purposes, *Moore* 865——Advantage, however, if farmers could be freed from restrictions in the use of malt, *ib.* 866, 867——Advantage of malt for the feeding of cattle, *Everitt* 1570——Importance of facilities for the malting of second class barley, free of taxation, for feeding purposes, *Hunt* 1796, 1797. 1962-1969. 2006-2010——Witness has no great faith in the use of malt for feeding cattle, *Allsopp* 3462. 3465.

3. *Exceptions taken to the Experiments of Mr. Laws:*

Opinion as to the unfairness of the experiments of Mr. Laws as a test for the value of malt for feeding purposes, *Masfen* 159-162——One-sided character of the feeding experiment of Mr. Laws, *May* 230, 231——Very faulty manner in which the malt feeding experiments of Mr. Laws were carried out, *Riley* 377, 378. 420, 421——Very injudicious character of the malt feeding experiments of Mr. Laws, *Heanley* 697-699.

4. *Value of Malt Dust, Grains, &c., for Feeding Purposes:*

Considerable value, as feeding ingredients, of the malt dust grains, &c., produced in the making of malt, *Masfen* 138-140——Large use by witness of malt dust grains, &c., in the feeding of cattle if he were allowed to malt his own barley, *May* 213-215. 232-234. 298-305. 312-318.

5. *Question as to the use of Sprouted Barley for Feeding:*

Advantage of sprouted barley for the feeding of horses, whereas its use is now prohibited by the excise, *Masfen* 52-59——Stop put by the excise to the use of sprouted barley for feeding horses, &c., *Heanley* 700, 701——Advantage if farmers were allowed to sprout barley for feeding horses, *Everitt* 1671-1676. 1723-1728——Important boon to the farmer if he were not restricted in sprouting barley for the feeding of cattle; illustration in witness's case, *Gurdon* 4208-4212.

Consideration of the question whether the excise restrictions upon the germination of barley or other grain by farmers might not be modified without injury to the revenue; origin of these restrictions adverted to, *Forsey* 4963-4980. 4987, 4988.

Value of barley for feeding purposes, whilst the excise restrictions prevent barley being sprouted for the feeding of horses and cattle, *Rep.* iv, v.

6. *Result of Experiments by Mr. Clayden in the use of Malt:*

Tabular statement, submitted by Mr. Clayden, showing the result of feeding fourteen bullocks and nine bullocks respectively, the former upon artificial food and the latter upon non-dried malt; important advantage of the latter treatment, *App.* 175.

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Fielden, Joshua. (Analysis of his Evidence).—Is member of the firm of Fielden Brothers, cotton manufacturers at Todmorden, and large employers of labour, 4221–4224——Considers that the labouring classes have a great grievance in the malt tax, 4225–4228. 4351, 4352——Calculation showing the cumulative character of the tax, the amount when levied being 21 *s.* 8 *d.* per quarter, whilst the consumer pays at the rate of 31 *s.* 6 *d.*, 4229. 4234——Great cheapness and facility with which beer may be brewed in cottages; details in support of this conclusion, 4230. 4247–4253.

Grounds for the statement that if there were no tax, malt would be sold at the price of barley on account of the increase during manufacture, 4231–4233. 4408. 4410——Information relative to the great extent to which cottage brewing prevails in certain townships on the borders of Yorkshire and Lancashire, 4235–4242. 4347, 4348——Temperate and steady habits of the people who brew at home, as compared with the

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Calculation showing that if the malt tax were repealed the labourer may brew beer at 3 *d.* a gallon, which now costs him 6 *d.* a gallon; good and wholesome quality of this beer, 4251-4255. 4282-4289. 4379-4384——Entire inaccuracy of certain statements by Mr. Milner Gibson and Mr. Gladstone, as to the amount of pressure of the malt tax and of the duty on tea and other articles, 4256, 4257——Claim of agriculturists to a repeal of the tax, irrespectively of the question whether a substitute is necessary, 4258-4260. 4349-4358. 4389-4392.

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Further statement as to the advantage of a cheap and wholesome beer for the working classes, 4313-4330——Pernicious character of public-house beer, 4331, 4332. 4384——Expediency of a repeal of the malt tax, in leading to greater competition and less adulteration; grounds for this conclusion considered, 4333-4346, 4359-4361——Prevalence in former times of cottage brewing in England; cause of its disuse, 4348.

Opinions expressed by Lord John Russell, Mr. Villiers, and Mr. Cobden, in favour of an abolition of the tax, 4390, 4391——Data for the statement that malt would be only half its present price if there were no tax, 4393-4395——Use of a large quantity of inferior barley in malting if the tax were repealed, 4394——Several ways in which the repeal would benefit the farmer, 4396——Further consideration of the actual increase of price to the malster, to the brewer, and to the consumer, respectively, by the cumulative operation of the tax, 4397-4423.

Foreign Barley and Malt. See *Import of Barley and Malt.*

Forsey, Charles Benjamin. (Analysis of his Evidence.)—Is Chief Surveying General Examiner of Excise; has had considerable experience with reference to the collection of excise duties and licenses, 4869-4876——Opinion as to the practicability of collecting a beer duty without loss to the revenue, 4877-4880. 4903——Witness, however, does not recommend the substitution of such duty for the malt tax on account of the great and necessary interference of the excise with the brewers' operations, 4881-4884. 4901, 4902. 4912-4920. 4937-4940.

Statement explanatory of the present checks in the collection of the brewers' license, 4885-4888. 4919-4923——Indifferent and unsafe character of the present checks if the brewers' license were so increased as to be a substitute for the malt tax, 4887. 4898-4900——Collection of the brewers' license twice a year, there being to some extent a pre-payment of the tax, 4889-4897——Nature of the increased checks contemplated by witness in order to secure the revenue if there were an increased brewers' license, or a beer tax in lieu of the malt tax, 4899-4923. 4937-4941.

Grounds for objecting to the plan proposed by Sir Charles Pressly for collecting a license from private brewers; suggestions hereon, 4904-4911. 4939, 4940——Large increase in the consumption of sugar in brewing, the excise checks upon the quantity used not being a sufficient security against fraud, though there is reason to conclude that any fraud is very limited, 4924-4932——Means of diverting almost the entire labour of the excise officers from the malthouses to the brewers, if the malt tax were abandoned for a beer tax, 4933-4936.

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Forsey, Charles Benjamin. (Analysis of his Evidence)—*continued.*

Decreasing use made of the Act allowing a certain mixture of barley and linseed for feeding purposes; particulars hereon, 4981–4986——Variation of from one to seven per cent. as the increase in the conversion of barley into malt, seven and a half per cent. being the outside limit taken by the excise, 4996–4998——Doubt as to a repeal of the malt tax leading to a large increase of maltsters, 4999, 5000——Tendency of the tax to cause maltsters to buy the best class of barley, 5001–5003.

France. Vere good character of the Saumur barley, *Ross* 2483–2485. 2518; *Woodley* 2696–2703——Facilities for an increased cultivation of barley in France, *Woodley* 2699.

G.

Gibson, Right Hon. Milner. Entire inaccuracy of certain statements by Mr. Milner Gibson and Mr. Gladstone as to the amount of pressure of the malt tax and of the duty on tea and other articles, *Fielden* 4256, 4257.

Glucose Sugar. Glucose sugar has never been used by witness's firm, *Pryor* 2986–2989.

Grains. See *Feeding of Cattle,* 4.

Grazing. Increased facilities for grazing if barley were more largely grown in lieu of wheat, *Hunt* 1794, 1795. 1919.

Grinding Barley. Calculation as to the immense quantity of barley which is ground instead of malted, through the incidence of the tax, *May* 289——Very little barley sold for grinding last year, nearly the whole crop having been malted, *Hunt* 1915–1918——Supply by witness of grinding barley for the feeding of horses; belief as to its being wetted before being used, *Sanderson* 2352–2358——Use of nearly all the English barley this year for malting, foreign berley having supplied the demand for grinding, *Woodley* 2674–2676.——*See* also *Barley,* 1, 2.

Gurdon, William. (Analysis of his Evidence.)—Resides at Brantham Court, Suffolk, and is a practical farmer there, 4192–4194——Explains his plan for commuting the malt tax, by means of a license or duty to be levied on the superficial area of the malt kilns, the amount of the duty to be calculated according to the annual revenue required by the Exchequer, 4195 *et seq.*——Security to the revenue under the proposed scheme, the duty only fluctuating, 4196. 4201–4204. 4215——Statement to be made by the maltsters of the superficial area of the kilns which they wish to have licensed, and of the time for which they wish the license to run; adequacy of the checks available for preventing evasion of the license, 4197–4199. 4215, 4216.

Comment upon the objections of the Inland Revenue Board to the proposed scheme, 4197. 4213. 4215——Conclusion that the scheme would greatly increase the demand for barley and the quantity of malt made, and would cause a salutary competition amongst maltsters, 4197. 4200. 4213. 4218, 4219——Statement strongly in favour of a brewer's license as preferable to the malt tax, 4204–4208——Great advantage as regards the use of inferior barley if the tax were repealed or commuted, 4204–4212——Important boon to the farmer if he were not restricted in sprouting barley for feeding cattle; illustration in witness's case, 4208–4212.

Several practical authorities favourable to witness's commutation scheme, 4213–4217——Advantage of the plan as obviating minute excise regulations, 4215–4217——Notorious evasion of the duty at the present time, 4217——Suggestion in regard to the calculation of the drawback under witness's scheme, as there would be no longer any fixed duty by which to calculate it, 4219, 4220.

H.

Hampshire. Inferior quality of the barley grown in Hampshire, *Moss* 3835–3838. 3900–3905. 3947, 3948.

Harland, Thomas. Views of Mr. Harland, a large farmer in the East Riding, in support of a repeal of the malt tax, *Riley* 344

Heanley, Marshall. (Analysis of his Evidence).—Has a farm of 1,040 acres in Lincolnshire, about half of which is arable, 626–631——Small quantity of the land suitable for the cultivation of barley, 632–636——Varying kinds of barley soil in the county, only a limited quantity being suitable for the best barley, 637–643. 653——Opinion that a repeal of the malt tax would not affect the supply or price of the best barley, whilst it would greatly enhance the value of the inferior barleys, 644–657. 687.

Heanley, Marshall. (Analysis of his Evidence)—*continued.*

Effect of a repeal of the tax in leading to a much larger growth of second and third class barley in Lincolnshire, the rotation of crops being now much interfered with, 653,654. 676–678. 692–694. 702–705——Instances of the beneficial effect produced upon cattle by Mr. Gladstone's mixture of malt and linseed, the mixture, however, being too dear, and being liable to much waste, 660–675——Divided feeling in Lincolnshire relative to the malt tax, most of the farmers being anxious for its removal, 679–682——Advantage of a beer tax as compared with the malt tax, 683–685.

Conclusion as to the improbability of increase of foreign competition in second-class barley, 687–690. 740, 741——Very little operation of the Malt by Weight Act in Lincolnshire, 695, 696——Very injudicious character of the malt-feeding experiments of Mr. Laws, 697–699——Stop put by the excise to the use of sprouted barley for feeding horses, &c., 700, 701.

Particulars relative to the supply of beer to witness's labourers, and the amount of their wages; as a rule, the men are a very sober and steady class, and do not much frequent the public houses, 706–715. 743–750——Statement as to the very inferior and unwholesome quality of the beer sold by the publicans, some of these brewing their own beer, 716–730——Illustration of the heavy amount of the malt tax in the case of the beer supplied by witness to his men, 716. 731–739.

Hop Duty. Doubt whether the repeal of the hop duty will be a permanent benefit to the producer, *Matthews* 3711, 3712. 3732——Consideration of the effect of a repeal of the malt duty upon the price of barley; reference hereon to the effect of the repeal of the hop duty upon the import and price of hops, *Moss* 3775–3785. 3839, 3840. 3879–3882. 3915–3920——Statement as to the effect of the repeal of the hop duty upon the cultivation of hops in Worcestershire and the import of foreign hops, *Webb* 4040–4046. 4049, 4050——Fairness of repealing the malt duty, now that the hop duty has been repealed, *ib.* 4051, 4052——Consideration of the effect of the repeal of the hop duty upon the price of hops, *ib.* 4097–4103. 4128, 4129.

Hungarian Barley. Good barley exported from Trieste and grown in the Banat, in Hungary, *Ross* 2489–2492. 2519——Increasing supply from Trieste, which comes into competition with the English brown malt barley, *Woodley* 2709–2712——Excellent barley shipped at Trieste from Hungary, *Pryor* 3227.

Hunt, Richard. (Analysis of his Evidence.)—Is largely engaged as a maltster near Ware; uses both the best and middling barleys, 1777–1785——Great variation at different times between the price of best and inferior barley, 1786, 1787——Tendency of a repeal of the malt tax to increase the price of the best barley, and still more so of inferior barleys, 1788–1790——Larger cultivation of inferior barley, and advantage thereby, as regards the rotation of crops, if the tax were repealed, 1791–1797——Increased facilities for grazing if barley were more largely grown in lieu of wheat, 1794, 1795. 1919.

Importance of facilities for the malting of second class barley, free of taxation, for feeding purposes, 1796, 1797. 1962–1969. 2006–2010——Particulars relative to the varying increase obtainable in the conversion of barley, the quality of the malt being less valuable accordingly as the increase is greater, 1798–1801. 1820, 1821. 1867–1880. 1913–1915. 1956–1959. 1970–1976. 1985–1995——Statement as to the uniform deduction made by the excise when the wetted barley is gauged in the couch, and as to the unequal pressure of such uniformity on the better and on the inferior barleys, 1802–1817.

Necessary increase of malsters' capital in the proportion of from twelve to twenty through the operation of the tax, 1822–1825. 1886, 1887——Opportunity for fraud in the use of sugar in brewing, 1827–1830——Better beer made, and less inducement to adulterate, if malt were cheaper, 1831. 1881–1885. 1908–1911. 1943–1952. 1960, 1961——Advantage to the maltster of the increased demand that would arise, and of the freedom from excise restriction if there were no tax on malt, 1832, 1833. 1934–1938——Effect of shortening the malt credit in driving small maltsters out of the trade, 1834–1836.

Feeling generally of maltsters and brewers in favour of the tax as giving them a monopoly, 1837, 1838——Expected large increase in the business of public brewers if malt were duty free, 1839–1842. 1912. 1939–1952. 1977, 1978. 2000–2005——Opinion that there would not be any great extension of cottage brewing if there were no tax, 1842. 1939–1952. 2019, 2020.

Evidence as to the several advantages of a beer tax over a malt tax, and as to the mode in which the former might be levied both on public and private brewers, 1843–1864. 1905–1907. 1920–1926. 1977–1982——Average of about 2 *s.* 6 *d.* per quarter as the cost of converting barley, the profit on each quarter of malt being about the same amount,

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Hunt, Richard. (Analysis of his Evidence)—*continued.*

amount, 1866. 2011–2017——Extent to which the cost of malt might be lowered beyond the amount represented by the duty if the latter were withdrawn, 1889–1904.

Necessary interference caused by the excise regulations, 1906, 1907. 1927–1932——Disapproval of a barley tax in lieu of the malt tax, 1933. 1953–1955——Instances of labourers combining to purchase their beer direct from the brewery, 1950, 1951. 2000–2005——Expediency of taxing cottage brewers as well as public brewers, if a beer tax be imposed, 1982. 2018–2022.

I.

Illicit Distillation. Apprehension lest a repeal of the malt tax would lead to much illicit distillation in the north of Scotland and Ireland, *Currie* 4659, 4660.

IMPORT OF BARLEY AND MALT:

1. *Relative Qualities of Foreign and English Barley, and Question as to an increased Import of the former if the Malt Tax were repealed.*
2. *Quality of Malt made abroad, and Question of Import if there were no Differential Duty.*

1. *Relative Qualities of Foreign and English Barley, and Question as to an increased Import of the former if the Malt Tax were repealed.*

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Doubt as to the best foreign barley being equal to the best English barley; the former however is used largely by some brewers, *May* 211, 212. 291–295——Conclusion as to the improbability of increase of foreign competition in second-class barley, *Heanley* 687–690. 740, 741.

Quality and condition of different kinds of foreign barley as compared with English barley; prospect of increasing competition between the two, more especially if the malt tax be repealed, *Prentice* 981–989. 1157–1163. 1203, 1204. 1211–1213——Very good character of some foreign barleys, though inferior on the whole to the best English barleys, *Rudgard* 1362–1364. 1409–1414. 1441, 1442. 1454–1457——Opinion that a repeal of the tax would not lead to any great import of foreign barley, *ib.* 1415.

Very good quality of some foreign barleys; doubt, however, whether there would be any increase of import if the tax were repealed, *Everitt* 1510–1514. 1661. 1682——Tendency of an increased import of foreign barley or malt to lower the price of beer, *Everitt* 1683–1686; *Pitts* 2064, 2065. 2163–2166. 2203–2207. 2242–2247——There is already a large import of barley, enough not being grown at home, *Pitts* 2042——Very good malt made by some foreign barley, *ib.* 2059, 2060. 2119, 2120——Larger import of foreign barley if the malt tax were removed, *ib.* 2061.

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Sundry particulars relative to the quality and price of different foreign barleys, and the opportunities for increasing the production, and the export to England, *Ross* 2501 *et seq.*——Practically unlimited area abroad for the cultivation of inferior and grinding barleys, but not for the cultivation of the best malting barley, *ib.* 2548 *et seq.*——Superiority on the whole of English barley to foreign barley for malting purposes, *Ross* 2568–2574; *Allsopp* 3376. 3479.

Details relative to the quantity and quality of various foreign barleys imported by, or consigned to witness; facilities for foreign competition with English second-class barleys, but not with the best barleys, *Woodley* 2684–2717. 2767–2774. 2779–2786——Higher

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Belief that English barley will always maintain its price as against foreign barley, for malting purposes, *Pryor* 3229-3231; *Webb* 4047, 4048. 4133-4142——Information relative to the foreign barleys used by witness's firm, the quality being very good, *Allsopp* 3350-3360——Very good malt bought by witness, made from foreign barley; as a rule the English malt is preferable, *Matthews* 3546-3551. 3602-3606.

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2. *Quality of Malt made abroad, and Question of Import if there were no Differential Duty.*

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Obstacles to the import of foreign malt, even if the present differential duty were abandoned, *Everitt* 1514, 1515. 1621-1625. 1643, 1644. 1733, 1734——Objectionable climate in some foreign countries for the manufacture of malt, *ib.* 1514, 1515. 1621——Injury to foreign malt during transit to this country, *ib.* 1624, 1625. 1644——Doubt as to the climate on parts of the Continent being very suitable for malt manufacture; prospect, however, of foreign competition if the tax were repealed, *Pitts* 2062, 2063.

Means of sending malt long voyages by care in packing; witness, however, has no fear of foreign competition in the import of malt, *Sanderson* 2340-2350. 2394-2402. 2409, 2410. 2424—— Careful packing necessary in the export of malt in order to prevent injury in transit; difficulty on this score as to a large import of foreign malt, *Ross* 2634-2655——Doubt as to a repeal of the malt tax enabling foreign maltsters to compete with English maltsters, *Woodley* 2757-2761——Very good malt capable of being made abroad, *Pryor* 3256-3258——Good malt made abroad, and low price at which beer is sold, as compared with England, *Matthews* 3609-3618.

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Labouring Classes. Information relative to the wages of witness's labourers, *Masfen* 60-65. 111-114. 131-137——Decided advantage of a repeal of the malt tax to witness's labourers, *ib.* 69. 119——Information relative to the quality and cost of the beer brewed by witness for his labourers, there being no cottage brewing in the neighbourhood, *May* 235-239. 274-279. 296. 324, 325——Particulars relative to the price and quality of the beer supplied by witness to his labourers, *Riley* 557-568——Similar wages of agricultural labourers irrespectively of the price of beer, *ib.* 590-595.

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Practical boon to the labouring classes by the repeal of the tax as they could obtain beer more cheaply, and as large numbers would brew at home, *Webb* 4153-4160. 4174-4180——Witness considers that the labouring classes have a great grievance in the malt tax, *Fielden* 4225-4228. 4351, 4352——Statement as to the advantage of a cheap and wholesome beer for the working classes, *ib.* 4313-4330.

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Leconfield, Robert Fisher. Views of Mr. Fisher, a large farmer and breeder in the East Riding, in condemnation of the malt tax, *Riley* 345.

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1. *As to the Price and Consumption of Malt.*
2. *Generally as to the Process of Manufacture.*
3. *As to the Outcast or Increase in the Conversion of Barley.*
4. *Loss of Weight in Conversion.*

1. *As to the Price and Consumption of Malt:*

Enhanced price charged for malt when sold retail, *Prentice* 1169–1172——Dissent from the view that the expense of malting a bushel of barley may be covered by the outcast, &c., obtained in conversion, thus reducing the price of malt and barley to the same level, *Everitt* 1538. 1560, 1561; *Pryor* 2954, 2955——Advantage to the maltster of the increased demand that would arise, and of the freedom from excise restrictions if there were no tax on malt, *Hunt* 1832, 1833. 1934–1938——Extent to which the cost of malt might be lowered beyond the amount represented by the duty, if the latter were withdrawn, *ib.* 1889–1904.

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Information relative to the malting process from the commencement to the finish, *Prentice* 888–894——Varying time for which different kinds of barley are steeped, the average being about fifty hours, but witness sometimes steeping up to seventy hours, *ib.* 888–890. 1077–1079. 1180–1182——The malting is generally commenced in September or October, and discontinued in April or May, *Prentice* 894; *Rudgard* 1262, 1263; *Everitt* 1491, 1492.

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2. *Generally as to the Process of Manufacture*—continued.

Witness explains the process used in malting in Lincolnshire, the system being different in some respects to that adopted in Norfolk and other counties, *Rudgard* 1247–1263. 1350–1352. 1371–1380.

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3. *As to the Outcast or Increase in the Conversion of Barley;*

Statement as to the limited increase of bulk by the conversion of barley into malt in Suffolk, so that it would not pay the maltsters to return a bushel of malt for a bushel of barley; varying increase according to the quality of the barley, *Prentice* 942–948. 974. 1025–1027. 1032. 1139, 1140. 1166–1168——Average of five or six per cent. increase in bulk in converting Lincolnshire barleys into malt, *Rudgard* 1307–1311. 1390–1396——Varying per-centage of increase in the conversion of barley into malt, the increase being very small where the quality of the malt is the chief consideration, *Everitt* 1534–1538. 1551–1555——Witness has had at times less malt than barley, *ib.* 1534.

Opinion that it would not pay maltsters to return a bushel of malt for a bushel of barley, if there were no tax, *Everitt* 1538. 1630, 1631; *Pryor* 2954, 2955——Particulars relative to the varying increase obtainable in the conversion of barley, the quality of the malt being less valuable as the increase is greater, *Hunt* 1798. 1801. 1820, 1821. 1867–1880. 1913–1915. 1956–1959. 1970–1976. 1985–1995——Last year many maltsters had a decrease in conversion, *ib.* 1800, 1801.

Consideration of the amount of increase or outcast obtained in the conversion of barley into malt, the per-centage of increase varying greatly, and there being at times a decrease, *Pitts* 2066–2068. 2084——Average of about five per cent. increase in the conversion of barley into malt, *Sanderson* 2334——Variation of from one to seven per cent. as the increase in the conversion of barley into malt, seven-and-a-half per cent. being the outside limit taken by the Excise, *Forsey* 4996–4998.

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Malt by Weight Act. See *Weight of Barley.*

MALTSTERS:

1. *Expenses and Profits of Maltsters.*
2. *Capital required, and Effect hereon of the Malt Tax.*
3. *Number of Maltsters, and Effect of the Malt Tax on this Score.*
4. *Objection by Maltsters to a Repeal of the Tax.*

1. *Expenses and Profits of Maltsters:*

Consideration of the profits made by maltsters; average of about fifteen per cent. on the capital employed, *Prentice* 949. 1001–1024. 1080–1084——Aggregate of about 3 *s.* 6 *d.* per quarter as the cost of malting, including interest on capital, *Prentice* 949——Statement to the effect that the profit of the maltster per quarter of malt is not calculated at enhanced rates by reason of the tax, *ib.* 1001–1012——The expense of malting a quarter of barley is about 2 *s.* 6 *d.*, exclusive of interest of capital, *Rudgard* 1265, 1266——The average profit per quarter is about 2 *s.* 6 *d.*, *ib.* 1267——Average of about 6 *d.* a quarter as the value of the malt combs produced in malting, *ib.* 1339, 1340——Further considerations of the profit of maltsters under the present system, *ib.* 1421–1436.

Calculation as to the expenses and profits of witness per quarter of malt; the result is that he is satisfied if he realises a net profit of 2 *s.* 6 *d.*, after payment of rent and interest on capital, *Everitt* 1542, 1543. 1698–1714——Statement to the effect that maltsters make no profit on the excess of capital required by reason of the tax, *ib.* 1688–1719——Reference to the outlay of witness on buildings, and the rent charged upon the steeps according to size, *ib.* 1712, 1713. 1729, 1730. 1774–1776.

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1. *Expenses and Profits of Maltsters*—continued.

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2. *Capital required, and Effect hereon of the Malt Tax:*

Considerations as to the amount of capital required by maltsters, and as to the effect of the malt tax on this score; less capital required under the tax if the returns are rapid, and are received before the duty is payable, *Prentice* 951–953. 959–973. 1048–1056. 1090–1092——Varying practice in the trade as to the credit given to brewers, *ib.* 951–953. 1048–1056——Estimate of the capital required by maltsters as affected by the malt tax, *Rudgard* 1312–1319——Effect of a repeal of the tax as regards the capital of small maltsters and large maltsters respectively, *ib.* 1401–1404. 1449–1453.

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3. *Number of Maltsters, and Effect of the Malt Tax on this Score:*

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Decrease in the number of maltsters whilst the quantity of malt manufactured has increased, *Rep.* iv.

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Mangold Wurtzel. Means of making very good beer from mangold wurtzel, *Pryor* 2854. 3003——Exceedingly low price of mangold wurtzel per ton as compared with barley, *ib.* 3001——Difficulty as to the use of mangold wurtzel for making beer, *Moss* 3811.

Manufacturing Districts. Beneficial extent to which the practice of cottage brewing is carried on in the manufacturing districts, *Rep.* iv., v.——*See* also *Cottage Brewing.*

Masfen, Robert Hanbury. (Analysis of his Evidence.)—Occupies a farm of about 500 acres near Wolverhampton, 370 acres of which are arable land, 1–9——As a rule witness farms upon the fourcourse system; he would grow an increased quantity of barley but for the malt tax, 10–25. 79–81——Use by witness of a considerable quantity of malt for the feeding of cattle and lambs; much larger use but for the incidence of the tax, 26–30. 34–41. 81–86. 108–110——Objectionable character of the malt mixture allowed under Mr. Gladstone's Act for feeding purposes, 31–33. 87.

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Matthews, Charles Peter. (Analysis of his Evidence.)—Is partner in the firm of Ind, Coope, & Co., brewers at Romford and at Burton-on-Trent, 3485, 3486——Large quantity of beer brewed by the firm, that brewed at Romford being chiefly for the use of private families, and that at Burton for taverns, &c., 3487–3497——Purchase of malt by the firm from maltsters and factors, the best quality being chiefly used, 3498–3502——Use of some black malt at Romford in the manufacture of porter, the price being generally less then the price of pale malt, 3503-3505. 3596–3601.

Practice as to the collection of the brewer's license by the Excise; necessity of prepayment, 3506–3510. 3627. 3705, 3706——Approval of an increased brewer's license as a substitute for the malt tax, provided it be levied on all brewers, and provided also it can be collected without undue Excise interference, 3511-3519——Probability of a repeal of the malt tax leading to a reduction in the price of beer and an increase in the consumption, 3520–3523——Doubt as to the ale sold by witness's firm to publicans being much adulterated, 3524–3528.

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Menzies Graham. (Analysis of his Evidence.)—Is partner in two large distillery firms in Scotland, using about 130,000 quarters of grain yearly, and paying some 700,000 *l.* a year in spirit duty, 4424-4429——Varying proportions of malt and raw grain from which, at the Caledonian Distillery, Edinburgh, the spirit is distilled; great variety of grains used, 4430-4433. 4442-4456. 4506-4509——Description of the process to which the raw grain is subjected in obtaining the spirits for converting into brandy and gin, 4434, 4435——Use at the Paisley Distillery of malt exclusively for making whiskey; outline of the process pursued, 4436-4439.

Good barley used for malting at the Paisley Distillery, 4440, 4441——Several foreign barleys used at the Caledonian Distillery for the raw grain spirits, cheapness being the great object, 4442-4456——Strict excise supervision of the distilleries, the spirit duty being very easily collected, 4457, 4458. 4461, 4569——Facility of collecting an alcoholic duty on beer in lieu of the malt tax; suggestions hereon as to the amount of such duty and the mode of levying it, 4459-4468. 4477. 4483-4487. 4518, 4519. 4529-4555. 4576-4587.

Complaint as to the excessive amount of the spirit duty, it being 10 *s.* per proof gallon; undue favour shown to beer as compared with spirits, 4459. 4477. 4483-4491. 4518, 4519. 4528-4556. 4563, 4564. 4576-4587. 4597——Evidence in explanation and support of an application by the Scotch distillers to be allowed to send out a portion of their wort as beer; cheap and wholesome beer which might thus be provided, whilst there need be no difficulty as to the assessment of duty, 4460-4470. 4492-4495. 4503-4512. 4558-4562.

Means of producing beer from several cheaper ingredients than barley, but for the malt tax, 4470-4476. 4496-4512. 4515. 4588-4590——Expediency of the maltster or brewer, equally with the distiller, being allowed every facility to use what substances he thinks best, 4572-4582——Prices of the different grains used in witness's distilleries, 4511——Varying amount of proof spirit obtained from different kinds of barley, 4514. 4520-4522. 4536-4538.

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Monopoly (*Maltsters and Brewers*). Impression that a repeal of the tax would lead, as regards maltsters, to greater concentration, in fewer hands, *Prentice* 1115——Decrease in the number of malt houses throughout the country, the malt tax necessitating a large capital and tending to monopoly, *Everitt* 1530-1533. 1539-1541. 1556-1560. 1565, 1566. 1617. 1626-1629——Tendency of the tax to create a monopoly of brewers as well as of maltsters, *ib.* 1556-1560——Alteration of the malt credits adverted to as the chief cause

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cause of so many maltsters going out of the trade, *Hunt* 1834–1836; *Everitt* 1565. 1626; *Pryor* 3116–3119. 3232, 3233.

Feeling generally of maltsters and brewers in favour of the tax as giving them monopoly, *Hunt* 1837, 1838——Strong feeling of large maltsters against a repeal of the tax; doubt, however, whether there would be any increase of competition thereby, *Sanderson* 2325–2330. 2351. 2405–2408. 2415, 2416——Witness submits that the monopoly is owing to the badness of the malting trade, and not to the operation of the tax, *ib.* 2329. 2351. 2405–2408——Objection also of the large brewers to a repeal of the tax, *ib.* 2331, 2332——Better trade of maltsters and brewers accordingly, as there is less competition, as under the malt tax, *Pryor* 3120, 3121——Objection by maltsters and brewers to a repeal of the tax as leading to competition, *Webb* 4183–4186.

Tendency of the tax to create and to foster two large monopolies by making it necessary to employ a large additional amount of capital in malting and brewing, *Rep.* v.

Moore, Edward Wells. (Analysis of his Evidence.)—Is Agent for Lord Radnor in Berkshire, 752–755——Very good barley land on some of Lord Radnor's farms, it being the practice to farm on the four-course system, 757–767——Classification of barley into three divisions, 768——Opinion that a repeal of the malt tax would tend to decrease rather than increase the price of the better kinds of barley, as the inferior barleys would come more into use for malting, 771–775. 822–826.

Statement relative to the practice on Lord Radnor's estate, of supplying beer to the labourers as part of their wages; amount of the wages adverted to, 776–784. 840–846——Increasing practice in witness's part of Berkshire for labourers to obtain beer direct from breweries instead of from public-houses, there being very little cottage brewing; approval of this system rather than of an encouragement of brewing at home, 785–800. 831–836. 847, 848——Very inferior and injurious character of the public-house beer as compared with home brewed beer or with that obtained from the breweries, 785–791. 796–801. 806–810——Gradual disuse of cottage brewing in witness's neighbourhood; difficulty through the want of proper appliances and utensils, 792. 795–799. 833, 834. 849–856.

Explanation as to the arrangement by which Lord Radnor pays the duty on the malt used by his labourers who brew at home, 792–794. 811–817——Grounds for preferring the malt tax to a beer tax, 802, 803. 818–821. 827–830. 863, 864——Importance attached to a total repeal of the tax, 804, 805——Objection to a mere reduction of the tax, as the cost of collection would remain the same, 805——Opinion that the tax does not interfere with good agriculture, or with the rotation of crops, 837–839——Probability of barley being grown on some soils where wheat could better be grown, 839. 861, 862.

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Moss, Richard. (Analysis of his Evidence.)—Is a Brewery Valuer, and Accountant in the City, and is part proprietor of a brewery at Winchester, 3741–3745——Statement of the price charged to publicans for the beer at Winchester, and the discount allowed, 3750–3754. 3813–3820——Doubt as to the publicans adulterating the beer to any extent, 3755. 3809, 3810——Average of about 10 per cent. as the profits of breweries, including 5 per cent. interest on capital, 3757–3760. 3831–3834——Average of about 45*s.* per quarter of malt brewed, as the expenses of the country brewer, 3761–3764. 3829, 3830.

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Varying extent to which different kinds of barley swell after they are steeped; question as to the unequal incidence of the duty in such cases, 3910–3914——Impossibility of a repeal of the duty leading by its direct and indirect effects to a reduction of 1 *d.* in the price of beer per pot, 3925–3929——Statement to the effect that country publicans make but very small profits, and are not in a position to lower the price for the sake of increased trade, 3930–3936. 3954–3969.

Large quantity of sugar used in witness's brewery at Winchester; check on the part of the Excise, 3940–3945——Belief that brewers make correct returns to the Excise of the amount of sugar, &c., used by them, 3946——Varying rents paid by publicans for brewers' houses and for free houses, 3949–3953.

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Oil Cake. Statement showing the very inferior and adulterated character of oil cakes as purchased by witness and other farmers for feeding purposes, *Masfen* 42–51. 153, 154. 158. 170–179.

Outcast (*Conversion of Barley*). See *Malt and Malting Process*, 3.

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Park, Mr. Views of Mr. Park, of Catwick, in the East Riding, in strong condemnation of the malt tax, *Riley* 347.

Pitts, Thomas. (Analysis of his Evidence.)—Is a maltster at Plymouth; uses both best and second-class barleys, 2023–2035——Considerable quantity of second-class barley malted in Devonshire, the malt commanding a price commensurate with its quality, 2035–2040——Increased demand for inferior barley, and increased price, if the malt tax were removed, 2041–2046——Enhanced price cf English barley this year, owing to the failure of foreign barley, 2042. 2161, 2162——Advantage of a larger use of malt in brewing, and of a decreased use of sugar; importance on this score of a repeal or a reduction of the malt duty, 2046–2050. 2097–2099. 2174–2180.

Feeling of the trade in the west of England in favour of a removal of the tax, and of all Excise restrictions, 2051, 2052——Necessarily vexatious character of the Excise regulations, though everything is done by the authorities to make them work smoothly and equably, 2053–2058. 2090. 2113–2115——Very good malt made by some foreign barley, 2059, 2060. 2119, 2120——Larger import of foreign barley if the malt tax were removed, 2061——Doubt as to the climate on parts of the continent being very suitable for malt manufacture; prospect, however, of foreign competition if the tax were repealed, 2062, 2063——Tendency of a large import of malt or barley to cheapen beer, 2064, 2065. 2163–2166. 2203–2207. 2242–2247.

Consideration of the amount of increase or outcast obtained in the conversion of barley into malt, the per-centage of increase varying greatly, and there being at times a decrease, 2066–2068. 2084——Statement as to the extent to which inferior barleys are at a disadvantage, by reason of the uniform deduction of 18 per cent. allowed upon the quantity in the couch, 2069–2076. 2081–2090. 2167–2171. 2194–2202——Objection to a beer tax being substituted for the malt tax, on account of the difficulties of collection and the Excise restrictions required, 2077, 2078. 2109, 2110. 2220–2228——Opinion that in justice to the poorer classes the tax should be removed altogether, 2079, 2080.

Increased charge upon the consumer on account of the cumulative character of the tax in passing through different hands, 2091–2096. 2121–2127——Expected increase of public brewing rather than of private brewing if the tax were repealed, 2100–2104——Grounds for preferring a tax on barley to the malt tax, 2105–2108. 2131. 2208–2212——Frequent gauging of the malting grain by the Excise officers, in order to prevent fraud, 2128–2133——Useful application of the Malt by Weight Act in the west of England, 2134–2136.

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Expediency of a total removal of the tax in the interests of free trade, 2236–2238——Importance of lightening the burden and grievance of the tax, if it cannot be given up altogether, 2239–2241——Consideration of the amount of witness's profits as maltster; these profits generally are anything but extravagant or there would be more competition, 2248–2283.

Prentice, Manning. (Analysis of his Evidence.)—Is largely engaged as a maltster and merchant at Stowmarket; does not use the very best qualities of barley, but makes first-class malt, 879–887——Information relative to the malting process from the commencement to the finish, 888–894——Varying time for which different kinds of barley are steeped, the average being about fifty hours, but witness sometimes steeping up to seventy hours, 888–890. 1077–1079. 1180–1182——Arrangement as to the payment of the duty with reference to the Excise rounds, which take place every six weeks; special arrangement by which, on payment of three and a-quarter per cent. there may be a partial extension of credit, 896–900.

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Beneficial results anticipated from an alteration of the licensing system and from general facilities for the sale of beer not to be drunk on the premises, more especially if the malt tax were at the same time repealed, 915, 916. 1038–1040. 1221, 1222——Increasing use of sugar in the manufacture of beer, the beer being of good character, though it will not keep so well as when made from malt, 917, 918. 1085–1089. 1222–1224——Consideration of the decrease which has taken place in the number of maltsters; belief that this is owing to other causes than the operation of the malt tax, and that the tax does not tend to monopoly, 931–941. 1105–1115. 1120–1129. 1133–1138.

Statement as to the limited increase of bulk by the conversion of barley into malt in Suffolk, so that it would not pay the maltsters to return a bushel of malt for a bushel of barley; varying increase according to the quality of the barley, 942–948. 974. 1025–1027. 1032. 1139, 1140. 1166–1168——Aggregate of about 3 *s.* 6 *d.* per quarter as the cost of malting, 949——Considerations as to the amount of capital required by maltsters, and as to the effect of the malt tax on this score; less capital required under the tax if the returns are rapid, and are received before the duty is payable, 950–973. 1048*–1056. 1090–1092——Varying practice in the trade as to the credit given to brewers, 951–953. 1048*–1056.

Circumstances under which the Malt by Weight Bill of Mr. Gladstone was found of great use by witness's firm, 975–980——Quality and condition of different kinds of foreign barley, as compared with English barley; prospect of increasing competition between the two, more especially if the malt tax be repealed, 981–989. 1157–1163. 1203, 1204. 1211–1213——Discontinuance of the use of Gladstone's mixture in Suffolk, 990, 991——Conclusion that if the malt tax were repealed there would be a considerable import of foreign malt, as it stands the voyage better than foreign barley, whilst the freight is cheaper, and as import is now only checked by the differential duty in favour of English malt, 992–1000. 1057–1076. 1116–1119. 1143–1149. 1156. 1190–1193. 1205–1210.

Statement to the effect that the profit of the maltster per quarter of malt is not calculated at enhanced rates by reason of the tax, 1001–1012——Consideration of the profits made by maltsters; average of about 15 per cent. on the capital employed, 1013–1024. 1080–1084——Varying value of the screenings of the barley, 1028–1031——Means of obtaining as much saccharine matter from some inferior barleys as from the best barleys, 1043–1047——Tendency of the tax to prevent the storing of malt in abundant years, 1104——Witness has not studied the question of a beer tax in lieu of the malt tax, and hesitates to give any decided opinion on the subject, 1164, 1165. 1176. 1227, 1228——Enhanced price charged for malt when sold retail, 1169–1172——Probable effect of the free import of foreign malt in reducing the price of beer, and also the price of English barley, 1173–1175. 1203–1210——Explanation as to the facility to maltsters in malting near railway stations, 1194–1200——Instances of attempts to evade the Excise laws, 1214, 1215.

Summary of objections to a repeal of the tax, 1219——Probable advantage of modifying the tax in order to check the use of sugar in brewing, 1220. 1222–1224. 1234——Doubt as to the tax causing the adulteration of beer, 1225, 1226——Opinion that the public would not get the full benefit of a reduction of the tax, 1233–1236——Average loss of about eleven pounds in the weight per bushel in the conversion of Suffolk barley into malt, 1237–1239.

Pressly, Sir Charles. (Analysis of his Evidence.)—Was for six years chairman of the Board of Inland Revenue, 4676–4678——Suggestion that a duty might be levied upon the private brewer by requiring him to make a return, upon the assessed tax paper, of the amount of malt brewed by him in the previous year; belief that fair returns would, on the whole, be made, 4680–4699. 4703. 4705——Minimum license suggested in the case of cottage brewers, it being proposed that all private brewers should be licensed, 4684, 4685. 4689——Small loss incurred if cottage brewers were altogether untaxed, 4690, 4691.

Price of Barley. See *Barley.*

Price of Beer. See *Beer.*

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Belief that if there were a beer tax farmers would give correct returns of the malt used, *Riley* 587——Great difficulty in making malt of good quality in very small quantities in private houses, *Everitt* 1588, 1589—— Belief that maltsters could sell to farmers quite as cheaply as the latter could manufacture for themselves, *ib.* 1589 —— Expected increase of public brewing rather than of private brewing if the tax were repealed, *Pitts* 2100–2104.

Non-objection to an increase of the brewers' license as a substitute for the malt tax, provided it be collected from private brewers as well as public brewers; great difficulty of collection in the former case but not in the latter, *Pryor* 2903–2921. 2947. 2996–2998. 3024–3026. 3054–3062. 3070–3075. 3156–3168——Complaint as to the burden of the present license of 3 *d.* a barrel on public brewers, whilst private brewers are exempt, *ib.* 2906–2911. 3045–3053 —— Circumstances which may render brewing much less costly in the case of country or private brewers than of London brewers; heavy expense for horses and cartage in London adverted to, *ib.* 2954–2961. 3014–3021. 3194, 3195—— Objection to the proposal for a composition per head in the case of private brewers, *ib.* 2996–2998.

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Expected establishment of malthouses by large farmers throughout the country, if the tax were repealed, *Webb* 4005–4010——Data for the calculation that but for the tax witness could brew good wholesome beer for his labourers, at a cost of 3 *d.* or 3½ *d.* per gallon, *ib.* 4011–4039——Opportunities of private individuals for brewing more cheaply than public brewers; relative quality in each case, *ib.* 4063, 4064. 4083–4090. 4104–4110. 4119–4123. 4147——Expected large increase of private brewing if the malt tax was removed, *ib.* 4065. 4145–4149. 4153–4160. 4174–4180 —— Large increase expected in the number of cottage and private brewers if exempt from taxation, *Fielden* 4277. 4294–4296. 4362–4371.

Suggestion that a duty might be levied upon the private brewer by requiring him to make a return upon the assessed tax paper of the amount of malt brewed by him in the previous year; belief that fair returns would, on the whole, be made, *Sir C. Pressly* 4680–4699. 4703–4705.

Grounds for objecting to the plan proposed by Sir Charles Pressly for collecting a license from private brewers; suggestions hereon, *Forsey* 4904–4911. 4939, 4940.

Effect of the malt tax in preventing farmers from making malt on their own premises, *Rep.* iv —— Conclusion as to there being no difficulty in raising a tax from private brewers, *ib.* v.

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Profits of Maltsters and Brewers. See *Brewers.* *Maltsters,* 1.

Pryor, Arthur. (Analysis of his Evidence.)—Is member of the firm of Truman, Hanbury & Buxton; manages the material for brewing, 2835–2838——Manufacture by the firm of nearly all the malt used, 163,000 quarters having been brewed last year, 2840, 2841——Use of a considerable quantity of sugar in combination with malt, there being an extra duty of 3 *s.* 6 *d.* a cwt., and two cwt. being about equal to a quarter of malt, 2842–2848——Several other substances instead of malt which, if not prohibited, might be used in conjunction with sugar in the manufacture of beer, 2849–2856. 3000—— Means of making very good beer from mangold wurtzel, 2854–3003.

Constant inspection of breweries by the Excise officers, without any interference with the manufacture, 2857–2862——Impracticability of home brewing by the labouring classes

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Large decrease in the consumption of beer in London, and in the profits of the brewers, through an attempt of the latter to raise the price when an extra malt duty was put on, at the time of the Russian war, 2873. 3012, 3013——Practice to alter the quality rather than the price of beer, when there are great alterations in the price of malt and hops, 2874. 3076–3078. 3141, 3142 ——Slight effect of a repeal of the malt duty in leading to an increased consumption of beer, as it would affect the price only by a halfpenny a quart, 2875. 3219.

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Non-objection to an increase of the brewers' license, as a substitute for the malt tax, provided it be collected from private brewers as well as public brewers; great difficulty of collection in the former case but not in the latter, 2903–2921. 2947. 2996–2998. 3024–3026. 3054–3062. 3070–3075. 3156–3168——Complaint as to the burden of the present license of 3 *d.* a barrel on public brewers, whilst private brewers are exempt, 2906–2911. 3045–3053.

Information relative to the relations existing between witness's firm and the publicans who sell their beer, the former frequently supplying the latter with loans, and owning several public-houses; denial that the publicans are under any undue control of the brewers, 2922–2926. 2970–2982. 3087–3092. 3269–3276——Detailed statement showing that the cost to witness's firm of brewing a quarter of malt is 110 *s.* 9 *d.*, leaving a very narrow margin of profit in the sale of the beer, 2927–2937. 2948–2951. 3032. 3129–3144——Very high price of barley this year as compared with the average price for the last ten years, 2931, 2933. 3253–3255.

Oppressive manner in which the former beer tax was levied; conclusion as to the impracticability of a new beer tax in lieu of the malt tax, 2938–2946. 3021–3023. 3169–3175. 3196–3198——Dissent from the view that the expense of malting a bushel of barley may be covered by the outcast, &c., obtained in conversion, 2954, 2955——Circumstances which may render brewing much less costly in the case of country or private brewers than of London brewers; heavy expense for horses and cartage in London adverted to, 2954–2961. 3014–3021. 3194, 3195.

Statement showing the very moderate profits obtained on the capital employed by brewers, after charging it with 5 per cent. interest, 2962-2982——Glucose sugar has never been used by witness's firm, 2986–2989——Belief that if the malt duty were repealed other substances than malt would be largely used by brewers, to the great injury of the growers of barley, 2999–3003. 3063–3069. 3125–3128——Information relative to some Chilian barley malted by witness's firm this year; its price and quality, 3006–3010. 3248–3252——Use of sugar when barley is dear, the beer, however, not being suitable for keeping, 3027–3029. 3192, 3193.

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Very large and increasing import of foreign barleys, some being of excellent quality; question hereon as to a repeal of the malt tax leading to an increase of foreign competition, 3125–3128. 3223–3231——Belief that a total abolition of the licensing system would not make beer any cheaper, 3152, 3153——Conclusion on the whole that a repeal of the malt tax, with or without a substituted tax, would be of little, if any, advantage to the consumer, and would certainly not benefit the producer, 3154, 3155. 3199–3211. 3219–3222.

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Riley, Edmond. (Analysis of his Evidence.)—Occupies a farm of about 500 acres, chiefly arable land, near Beverley, in the East Riding, 327–333——Adopts the six-course system of farming; would hardly increase the cultivation of barley if the malt tax were removed, 334–341——Had been deputed by the East Riding Chamber of Agriculture to represent the views of the Chamber adverse to the malt tax; submits letters on the subject from members of the Chamber, 341–347.

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Ross, John. (Analysis of his Evidence.)—Is member of the firm of Begbie, Young & Begbies, corn and seed factors in Mark-lane, 2466–2469——Immense quantity of barley and other grain consigned to or purchased by witness's firm annually from various foreign countries, 2470–2473——Good quality of some Chili barley recently imported into Liverpool, 2473–2475. 2543. 2561–2565——Supply of foreign barley by witness's firm to maltsters rather than to brewers, the chief portion of the import being sold for grinding, 2476, 2477. 2501.

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Less inducement to use sugar, &c., in brewing if malt were cheaper, *Riley* 588, 589 ——Increasing use of sugar in the manufacture of beer, the beer being of good character, though it will not keep so well as when made from malt, *Prentice* 917, 918. 1085–1089. 1222–1224——Probable advantage of modifying the malt tax in order to check the use of sugar in brewing, *ib.* 1220. 1222–1224. 1234——Very good beer made from sugar, *Rudgard* 1330, 1331——Check to the increasing use of sugar if the malt tax were repealed or reduced, *Everitt* 1567–1569. 1586, 1587.

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TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON

MALT TAX.

Ordered, by The House of Commons, *to be Print*
13 *July* 1868.

420—I.

Under

Brought from the Lords, 27th July 1868.

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

ON THE

COUNTY AND BURGH POLICE SYSTEMS OF SCOTLAND;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
28 *July* 1868.

486.

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REPORT.

BY THE SELECT COMMITTEE appointed to inquire into the COUNTY and BURGH POLICE SYSTEMS of *Scotland*, and to Report to the House; and to whom was referred a Copy of a Report by Dr. *Farr* on Police Superannuation Funds of Counties and Boroughs in England.

ORDERED TO REPORT,

I. As to pensions and retiring allowances.

THAT the Committee having examined witnesses, and received suggestions, resolved as follows, viz.:

The Act of 1857 (20 & 21 Vict. c. 72) establishes no regular system of pensions for members of the police force who are disabled by wounds or sickness from further employment in the force, or who have served for a lengthened period. In the army and navy, in the police services of England and Ireland, and in the civil service, a system of pensions exists. A regular course of instruction and considerable experience are requisite for the production of a useful police constable; and in the absence of any pensions in the Scottish system, men frequently retire from their employment at the very time when their services have become of value to the public. The Committee are of opinion that a well-devised scheme of pensions and gratuities would check the disposition of such men to leave the service, and would therefore be highly conducive to its efficiency. Considerable expense must necessarily attend the adoption of a scheme of police superannuation; but this drawback will, in the opinion of the Committee, be more than counterbalanced by the advantages that may be expected to result from it. It is not necessarily within the duties of the Committee to recommend any specific scheme of pensions, or to designate the sources from whence they should be drawn They may, however, state that the information they have received from Lieutenant General Cartwright, one of Her Majesty's Inspectors of Constabulary in England, and from Dr. Farr, Superintendent of the General Register Office, and other witnesses, is sufficient to assure them that in the establishment of police superannuation funds in England, serious mistakes were committed. These funds, many of which are verging on bankruptcy, are made up partly from stoppages of pay, partly from fines, and partly from the sale of old clothes and other miscellaneous sources, all of which together have proved quite inadequate to meet the demands upon them. The Committee believe that no real economy or advantage would be attained by the creation of superannuation funds in Scotland on the English model; and, considering how uncertain any estimate must be of the probable sums that may be required in future years for pensions and gratuities, they think that the best, and undoubtedly the simplest course, would be to require the public to provide them as occasions arise.

Whether the burden should be assumed by the general public or be borne partly by the public and partly by the ratepayers, it is not for the Committee to determine.

They may observe, however, that the whole expense of the Irish constabulary is borne by the Consolidated Fund.

With regard to the scale of pensions, and the terms on which they should be granted, the Committee beg to refer especially to the evidence of Lieutenant General Cartwright, and of Dr. Farr, and to the valuable and instructive reports by by the latter authority upon the condition of the English county, burgh, and metropolitan superannuation funds, recently presented to Parliament. The main features of Dr. Farr's proposals – which it is scarcely necessary to observe are quite capable of modification in details—consist, 1st, in providing for those who are incapacitated for duty, after a shorter period of service than 33 years, gratuities or pensions for a limited number of years according to a fixed scale; 2nd, in insuring to members of the force a retiring pension for life after a lengthened period of service, fixed by him at 33 years. The second of these proposals is capable of being carried out with ease, there being no difficulty in discovering for how many years, and in what grades, a man may have served in the police. But the first of them is less simple. One of the chief drawbacks upon any system of retirement which is dependent upon conditions of health, consists in the temptation thereby offered to the practice of "malingering," *i. e.*, feigning illness, or of exaggerating the severity of actual ailments, for the purpose of securing gratuities or pensions. In the army and the navy, this evil is well known; and Dr. Farr draws especial attention to its existence in the metropolitan police force, in connection with the superannuation system as at present administered.

In explanation of one of the Tables in his Report on the Metropolitan Superannuation Fund, viz., Table 20, "showing the assigned causes for which 1,951 policemen were pensioned during the 21 years, 1840–60, &c.," Dr. Farr remarks that "these diseases may be distinguished into (1) those of which the symptoms are evident to the eye of the surgeon, including advanced consumption, and all the severer forms of disease; (2) the other diseases, such as deafness, debility, rheumatism, and the like, which are chiefly affections of the sensations, and are only felt and positively known to the patient himself, who may or may not exhibit external signs of the pains, ranging from a mere headache to the most atrocious neuralgic pain, from dulness or paralysis." Again, he says, "Some of the candidates for the pension are suffering from dangerous diseases; others, whose health is not otherwise impaired, are disabled by deafness, lameness, and certain infirmities, from discharging the duties of a police constable; and the facts justify us in believing that a large proportion of the successful candidates, when pensioned, are only suffering temporary illness, or such slight pains and infirmities as never prevent other men from following their usual occupation." Further on he says: "When a constable of the malingering class is

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RECAPITULATION of proposed Measures by Dr. *Farr*, for the Metropolitan Police.

(*a.*) To a gratuity in the case of disability from sickness, after five and under 15 years of service; the gratuity to be equivalent to as many months' pay as they have completed years of service.

(*b.*) To pensions after 15 years' completed service at the rate of 15-50ths of the pay receivable when the pension is granted; after 16 years to 16-50ths of the pay as pension; and so on to 33-50ths, at which it will stop.

The scale will run thus:—

Years of Service.		
0 and under 5	No gratuity	For five years certain, if the pensioner lives so long.
5 „ 15	Gratuity equal to a month's pay for every completed year of service	
15	Pension of 15-50ths of pay	
16	„ 16-50ths „	
* *		
25	„ 25-50ths „	
* *		
32	„ 32-50ths „	
33	„ 33-50ths „	For life.
34	„ 33-50ths „	„

2. The pensions under the age of 60, and for less than 33 years' service, to be for the term of five years certain, and the Commissioners to be empowered to recommend a longer term of 6, 7, 8, 9, 10, 11 years, or life, in the case of any extraordinary merit or good conduct, taking also the length of service into account; thus the term of pension may be extended to six years after 18 years' service; seven years after 21 years' service; 10 years after 30 years' service.

3. After 33 years' service the pension to be for life, and equal to 33-50ths of the pay, or a larger proportion in the case of extraordinarily good conduct.

4. For injuries received at any time in the actual performance of duty the pension to be for life, and not to exceed the pay in amount; these pensions to be granted after careful investigation upon grounds fully set forth, and to bear a proportion to the resulting disability.

is determined to get his pension he often fails, but as a man can by training improve, so he can more easily depress his health; his frequent slight ailments give the divisional surgeon, with whom the fight begins, a great deal of trouble; the superintendent is not sorry to get rid of him; so in the end, when he is actually suffering from some ailment to which all men are every year subject, and which can be induced spontaneously, he gets his divisional certificate, and all the pressure is brought to bear on the good nature of the surgeon in chief, who has the alternative of sometimes cruelly retaining in the force a real sufferer, or of allowing loose fish to escape through his net. The whole responsibility of refusing a pensioner's claim to a disabling infirmity and a pension is thrown on *one officer*, and not, as in the army, on a board. The existence of this class of pensioners, who become suddenly ill, and as suddenly recover, is known, and their conduct is, I believe, deplored by the conscientious men of the force who pursue the opposite line, persevering to the last in the discharge of their duty."

In the consideration, therefore, of any measures for granting gratuities and pensions to members of the police force on the score of ill-health, the greatest care must be taken to provide tests and safeguards against the occurrence of the abuses above referred to. A stringent system of medical supervision and inspection would be essential. Each application for a pension on account of wounds or ill-health should, in counties, be approved of by the chief constable, and be by him submitted to the police committee; and should, in burghs, be approved by the superintendent, and be by him submitted to the magistrates; the pensioners to report themselves at such times and places as may be appointed, and to be subject to examinations into the condition of their health.

II. As to separate police force in certain towns and burghs.

The Committee have received evidence on the subject of the existence in counties of separate police forces, distinct from the county force, and particularly in connection with the police in the towns of Ayr, Ardrossan, and Wick.

The town of Ayr, within its Parliamentary boundaries, contains 18,573 inhabitants. Of these, 8,219 dwell in the old town, and 10,345 in Newton and Wallacetown, the poorest district of the town. This part of the town is separated from the old town by the river. The old town has a magistracy and a separate police establishment of its own; whilst Newton and Wallacetown are in the county of Ayr for police purposes. The inhabitants of the latter portion of the town made an effort some years ago to be permitted to unite with the old town, but without success. On the other hand, the old town takes no step to unite itself to the county for police purposes, and the result is a state of affairs which has been described to the Committee as being both inconvenient and mischievous. There is thus a deadlock, which, under the existing law, can be removed only by the action of the old town of Ayr.

The case of Ardrossan is of a similar kind on a smaller scale. That town, containing but 2,900 inhabitants, has a jurisdiction separate from that of the county in which it is situated, and maintains a separate police establishment (reported inefficient by the Government Inspector), consisting of one "old man, who is called the burgh officer, and, lately, an assistant watchman at night." Saltcoats, a town somewhat larger, almost adjoins Ardrossan. Saltcoats is in the county, and has no separate jurisdiction or police force. "Besides the burgh of Ardrossan, there is also the harbour of Ardrossan, which has a jurisdiction of its own, under Act of Parliament, and the power of appointing constables, so that there are within three places, quite close to each other, and indeed almost joined, three separate jurisdictions." (Capt. Young, 553.)

The case of Wick is as follows:

> The town of Wick, within its Parliamentary boundaries, is made up of the Royal burgh of Wick, with 2,000 inhabitants, of Louisburgh on the north, with upwards of 1,200 inhabitants, and of Pulteneytown on the south, across the river, with 5,000 inhabitants. The Royal burgh, a small place, with a limited area, is under the municipal government of a provost, magistrate, and town council. Louisburgh is under county jurisdiction. Pulteneytown is under the Pulteneytown Commissioners, acting under a special statute (7 & 8 Vict. c. 52). The Royal burgh maintains a separate police establishment (reported inefficient by the inspector) consisting of two men. Louisburgh is served by and assessed for the county police. Pulteneytown

teneytown maintains a separate force (reported inefficient) of three men The Sheriff of the county of Caithness holds that the chief constable must supply men to keep the peace in Wick and Pulteneytown, and the Commissioners of Supply claim the right of assessment in Wick and Pulteneytown for the force thus employed; a right which is now the subject of legal proceedings. There is thus, in each of these places, a double force employed "acting not very harmoniously together." (Mitchell.)

The Committee have thought it right to enter with some detail into the circumstances connected with Ayr, Ardrossan, and Wick; but for a better understanding of the subject, and appreciation of the obvious evils attendant upon so disjointed a system of police and magisterial authority, they refer especially to the evidence of Captain Young, of Mr. Gray, and of Mr. Mitchell. The Committee, however, do not adduce these instances as fair samples of the state of things prevailing generally in the Scotch towns; they are, perhaps, extreme cases; but it may be inferred that anomalies of a similar kind exist in other localities.

The Committee now pass to some of the general objections commonly urged against the existence of separate police establishments for burghs and counties.

The towns, it is said, are necessarily or naturally the head quarters of a large per-centage of criminals and their associates. They are the chief resorts, also, of tramps and vagrants. It is of great consequence that the county police should be specially acquainted with the haunts of these persons; that their habits should be observed, not only when engaged in their avocations beyond the limits of the towns, but at other times also; and that the lodging-houses they frequent should be systematically visited. It is said that a local police, maintained for local rather than general purposes, is naturally less zealous in the detection or prevention of crime beyond the limits of its jurisdiction than within those limits; and that however anxious the magistrates and the county authorities may be to co-operate with each other, that complete unity of action which is essential in the prevention of crime and pursuit of criminals can only be obtained by the employment of a united force under a common head. Another consideration affecting this question is the discretionary character of some of the duties devolving on the police, especially in towns. In the administration of a county force a constable may be removed from one station to another if it be suspected that he is becoming subject to local influences. But in a small town with a small police force, the removal of a constable from place to place is impossible; and thus one of the securities for the impartiality of his behaviour is lost. The evidence tends to prove that not only is the efficiency of the force greatly increased by the amalgamation of counties with boroughs, but that a considerable saving of money is at the same time obtained. The Committee would refer to answers Nos. 1132, 1134, 1404, and 1796, on this subject.

Considerable, however, as are the benefits that accrue to the public from a voluntary amalgamation of the burgh and county forces, the Committee are not of opinion that, in ordinary cases, coercive measures of amalgamation are required. Already, since the establishment of the police force in 1858, 20 burghs have voluntarily united for police purposes with the counties in which they are situated. In no instance does it appear that a burgh has relieved itself from its agreement with the county under the powers which the statute provides for that purpose.

In such cases, however, as those which have been referred to, in which a town or towns, contiguous, or nearly contiguous, containing a population of no great amount have separate police jurisdictions, to the prejudice of a portion of the community, the Committee think that, if due care be taken to guard special local interests from injustice, some compulsory powers might advantageously be exercised for the purpose of uniting such town or towns in one police jurisdiction, or of uniting them for police purposes with the counties in which they are situated, on terms of union such as are entered into voluntarily between burghs and counties under the 61st section of the statute.

III. As to the relation of the constabulary to the county authorities.

The Committee have given consideration to the subject of the relations of the chief constable and the constabulary force generally with the county authorities. In the Act of 1857, the relations of the police force to the sheriff, the justices of the peace, and the police committee, are to a certain extent defined, but no mention

mention is made of the procurator fiscal, who is a local officer holding his appointment from the sheriff. That local officer discharges within the range of the sheriff's jurisdiction, not only the duty of conducting such criminal trials as take place before the sheriff, but also the duty with reference to all crimes, whether competent to be tried before the sheriff or not, of prosecuting the preliminary investigations, and collecting and preparing, in proper form, the evidence on which the public prosecutor is to determine, 1st, whether a criminal trial should be instituted; and, 2nd, if a trial is to be proceeded with, how the crime or crimes should be charged; what witnesses, documents, or articles of evidence should be adduced or founded on, and in what court the trial should take place. The procurator fiscal is an executive officer under the sheriff, who is also an executive officer responsible for due vigilance with regard to the investigation and suppression of crime within his county, but in such matters both the sheriff and the procurator fiscal may be directed by the superior authority of the Lord Advocate.

In the performance of some of his duties, it is frequently necessary that the procurator fiscal should have the aid of the constabulary; but it is also important that such aid should be obtained with the least possible interference with the proper disposition and other arrangements of the constabulary force made under the direction of the chief constable. It may also happen that in the absence of previous concert or arrangement, measures taken by the procurator fiscal for the detection of crime, and measures taken simultaneously by the constabulary for the same object, may interfere more or less with each other. It is very desirable that no such jarring should take place; and in most counties there does not appear to be any inconvenience or want of harmonious action. But in one county at least, instances appear to have occurred of inconvenience having arisen from the want of proper communication and good understanding between the procurator fiscal and the chief constable, whose arrangements appear to have been at times interfered with. Such occurrences, however, are exceptional, and may be obviated by advice and directions from the superior authorities. The Committee therefore have considered it unnecessary to pursue their inquiry by examining, as they otherwise might have done, several other witnesses, especially procurators fiscal and sheriffs. They recommend that the relative functions and course of action of the procurators fiscal and the chief constables, as to the direction of measures for the detection of crime and the pursuit of criminals, should be fully considered by the competent authorities, with a view to obviating the risk of conflicts injurious to the public service.

The Committee recommend that the system which prevails in some counties, of remunerating procurators fiscal partly by fees, be discontinued, and that these officers be remunerated entirely by fixed salary. In connection with this subject, the Committee refer to the evidence of Mr. Forbes Irvine, Convener of the County of Aberdeen.

The Committee also recommend the abolition of the system of fees for the service of the constabulary, when they are employed in a particular class of duty, under which repayments are made to the county by the Exchequer, varying in amount each year, and dependent upon detailed accounts being made out by the constabulary, and audited by the Exchequer. The Committee believe that that system not only gives much trouble to the Exchequer and the Police authorities, but that it is open to other grave objections, all of which would be obviated if an annual sum were paid to the counties by the Exchequer in lieu of present payments.

IV. As to transfer of powers from quarter sessions to police committee.

The Committee recommend that the powers conferred on the justices of peace in general or quarter sessions assembled by the sixth section of the Police Act, be transferred to the police committee. All the police affairs of the counties are necessarily submitted to the police committees. The police committee is a body largely composed of justices of peace, and represents more or less completely the commissioners of supply and ratepayers of the county. The sheriff, as also the Lord Lieutenant, is *ex officio* a member of the police committee. Under these circumstances, the powers given to the justices by section 6, will be more efficiently exercised by the police committee than by the justices in quarter sessions assembled. Should this transference of authority be carried out, the Committee think that power should be given to the justices of a county, in general or quarter sessions assembled, to nominate certain of their number to to be added to the police committee of such county. In the event of conflicting orders being given to the chief constable by the sheriff and the police committee, the sheriff's order to be valid, pending an appeal to the Secretary of State.

V. As to appointment of additional constables.

Additional constables may be appointed, under the 7th section, by the chief constable, with the approval of the sheriff, or justices in general or quarter sessions assembled, at the instance and at the expense of parties making application for them. Under this section of the statute, a considerable force of additional constables is employed in some counties, under the superintendence of the chief constable, for the suppression of salmon poaching. The employment of a chief constable in such duties as these, occupying as they sometimes do a considerable portion of his time and attention, is a matter deeply concerning county interests. It appears, therefore, to the Committee to be desirable, that the sanction of the police committee should be required, in addition to that of the sheriff or justices, to the appointment of additional constables under the 7th section.

VI. As to the dismissal of chief constable and constables.

Under the existing law, police constables are subject to dismissal by the chief constable, and chief constables are subject to dismissal by the police committee. In burghs the superintendent cannot be dismissed by the Commissioners of Police unless with the approbation of the chief magistrate of the burgh and the sheriff, or, in case of their differing in opinion, of Her Majesty's Advocate for the time being. The Committee recommend that the sanction of the Secretary of State shall be required for the dismissal of a chief constable. In the event of the superannuation system being adopted, they consider that some regulations may be necessary in regard to the dismissal of any member of the force who may have become entitled by service to a share of that fund.

VII. Police Gazette.

Colonel Kinloch, the Inspector of Constabulary in Scotland, has recommended, in his Reports and in his evidence, the establishment of a Police Gazette for Scotland, with a view to ensuring the sure and speedy transmission to the various police stations of such information as it is desirable should be circulated amongst them. Other witnesses have confirmed Colonel Kinloch's views, and the Committee recommend the adoption of measures for carrying this proposal into effect.

The Committee have directed the Minutes of Evidence taken before them, together with an Appendix thereto, to be laid before your Lordships.

ORDER OF REFERENCE.

Die Lunæ, 11° *Maii*, 1868.

County and Burgh Police Systems of Scotland; Moved that a Select Committee be appointed to inquire into the County and Burgh Police Systems of Scotland. Agreed to (The Earl of Minto).

Die Lunæ, 18° *Maii*, 1868.

Police Systems (Scotland); Select Committee on; the Lords following were named of the Committee; the Committee to meet To-morrow, at Four o'clock, and to appoint their own Chairman:

Earl of Doncaster.
Earl of Morton.
Earl of Lauderdale.
Earl of Airlie.
Earl Strange.
Earl of Minto.
Earl of Morley.
Earl of Camperdown.
Earl Innes.
Lord Clinton.
Lord Elphinstone.
Lord Panmure.
Lord Oxenfoord.
Lord Lyveden.
Lord Penrhyn.
Lord Colonsay.

Die Veneris, 22° *Maii*, 1868.

Police Systems (Scotland); The Evidence taken from time to time before the Select Committee to be printed for the use of the Members of this House; but no Copies thereof to be delivered except to the Members of the Committee, until further Order.

Die Veneris, 19° *Junii*, 1868.

Police Superannuation; Paper respecting (laid before the House on Tuesday last), referred to the Select Committee on Police Systems (Scotland).

LORDS PRESENT, AND MINUTES OF PROCEEDINGS AT EACH SITTING OF THE COMMITTEE.

Die Martis, 19° *Maii*, 1868.

LORDS PRESENT:

Earl of Morton.
Earl of Lauderdale.
Earl of Airlie.
Earl Strange.
Earl of Minto.
Lord Clinton.
Lord Elphinstone.
Lord Penrhyn.
Lord Colonsay.

Order of Reference read.

Order read, empowering the Committee to appoint their own Chairman.

It is proposed, That the Earl of *Minto* should take the Chair.

The same is agreed to, and the Earl of *Minto* takes the Chair accordingly.

The course of Proceeding is considered.

Ordered, That the Committee be adjourned to Thursday next, at Two o'clock.

Die Jovis, 21° *Maii*, 1868.

LORDS PRESENT:

Earl of Morton.
Earl of Lauderdale.
Earl of Airlie.
Earl Strange.
Earl of Minto.
Earl of Morley.
Lord Elphinstone.
Lord Lyveden.
Lord Penrhyn.
Lord Colonsay.

The Earl of MINTO in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are called in, and examined (*vide* the Evidence); Colonel *John Kinloch*, Captain *James Young*.

Ordered, That the Committee be adjourned to Saturday next, at Eleven o'clock.

(The next meeting of the Committee was subsequently put off till Tuesday the 26th May, at Twelve o'clock.)

Die Martis, 26° *Maii*, 1868.

LORDS PRESENT:

Earl of Morton.
Earl of Lauderdale.
Earl of Airlie.
Earl Stange.
Earl of Minto.
Earl of Morley.
Earl of Camperdown.
Lord Clinton.
Lord Elphinstone.
Lard Oxenfoord.
Lord Penrhyn.
Lord Colonsay.

The Earl of MINTO in the Chair.

Order of Adjournment read.

Order of the House of Friday last, That the Evidence taken from time to time before the Select Committee, to be printed for the use of the Members of this House, but no copies thereof to be delivered except to the Members of the Committee until further order, read.

The Proceedings of the Committee of Thursday last are read.

The following Witnesses are called in, and examined (*vide* the Evidence); Colonel *John Kinloch,* Captain *James Young,* Lieutenant General *William Cartwright.*

Ordered, That the Committee be adjourned till Thursday next, at One o'clock.

Die Jovis, 28° *Maii*, 1868.

LORDS PRESENT:

Earl of Morton.
Earl of Lauderdale.
Earl of Airlie.
Earl of Minto.
Lord Elphinstone.
Lord Oxenfoord.
Lord Penrhyn.
Lord Colonsay.

The Earl of MINTO in the Chair.

Order of Adjournment read.

The Proceedings of the Committee on Tuesday last are read.

The following Witnesses are called in, and examined; Lieutenant General *William Cartwright, Alfred John List,* and Lieutenant Colonel *Archibald Robertson.*

Ordered, That the Committee be adjourned to Wednesday, 10th June next, at Twelve o'clock.

Die Mercurii, 10° *Junii*, 1868.

LORDS PRESENT:

Earl of Doncaster.
Earl of Morton.
Earl of Lauderdale.
Earl of Airlie.
Earl of Minto.
Earl of Camperdown.
Earl of Innes.
Lord Clinton.
Lord Elphinstone.
Lord Oxenfoord.
Lord Penrhyn.
Lord Colonsay.

The Earl of MINTO in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Thursday, 28th May last, are read.

The following Witnesses are called in, and examined (*vide* the Evidence); *James Smith Milne, George Henry List, Richard Boultbee.*

Ordered, That the Committee be adjourned till Friday next, at Twelve o'clock.

Die Veneris, 12° *Junii*, 1868.

LORDS PRESENT:

Earl of Doncaster.
Earl of Lauderdale.
Earl of Airlie.
Earl of Minto.
Earl of Camperdown.
Lord Elphinstone.
Lord Lyveden.
Lord Penrhyn.

The Earl of MINTO in the Chair.

Order of Adjournment read.

The Proceedings of the Committee on Wednesday last are read.

The following Witnesses are called in, and examined (*vide* the Evidence); *Charles Plummer, Henry Gray, George Mackay, Alexander Mitchell.*

Ordered, That the Committee be adjourned to Tuesday next, at Twelve o'clock.

Die Martis, 16° *Junii*, 1868.

LORDS PRESENT:

Earl of Morton.
Earl of Airlie.
Earl of Minto.
Earl of Camperdown.
Lord Elphinstone.

The Earl of MINTO in the Chair.

Order of Adjournment read.

The Proceedings of the Committee on Friday last are read.

The following Witnesses are called in, and examined (*vide* the Evidence); *Alexander Forbes Irvine, John Ord.*

Ordered, That the Committee be adjourned to Monday next, at Twelve o'clock.

Die Lunæ, 22° *Junii*, 1868.

LORDS PRESENT:

Earl of Morton.
Earl of Lauderdale.
Earl of Airlie.
Earl of Minto.
Earl of Camperdown.
Lord Elphinstone.
Lord Lyveden.

The Earl of MINTO in the Chair.

Order of Adjournment read.

The Proceedings of the Committee on Tuesday last are read.

The following Witnesses are called in, and examined; Dr. *William Farr, William Morrison.*

Ordered, That the Committee be adjourned to Monday next, at Twelve o'clock.

Die Lunæ, 29° *Junii*, 1868.

LORDS PRESENT:

Earl of Morton.
Earl of Airlie.
Earl of Minto.
Earl of Camperdown.
Lord Elphinstone.
Lord Lyveden.
Lord Penrhyn.

The Earl of MINTO in the Chair.

Order of Adjournment read.

The Proceedings of the Committee on Monday last are read.

The following Draft Report is laid before the Committee by the Chairman.

"1. The Act of 1857 (20 & 21 Vict. c. 72), establishes no regular system of pensions for members of the police force who are disabled by wounds or sickness from further employment in the force, or who have served for a lengthened period in the force.

"2. In the Army and Navy, in the police services of England and Ireland, and in the civil service, a system of pensions exists.

"3. A regular course of instruction, and considerable experience, are requisite for the production of a useful police constable; and in the absence of any pensions in the Scottish system, men are frequently tempted on trifling grounds to retire from their employment at the very time when their services have become of value to the public.

"4. The Committee are of opinion that a well-devised scheme of pensions and gratuities would check the disposition of such men to leave the service, and would therefore be highly conducive to its efficiency.

"5. Considerable expense must necessarily attend the adoption of a scheme of police superannuation; but this drawback will, in the opinion of the Committee, be more than counterbalanced by the advantages that may be expected to result from it.

"6. It is not necessarily within the duties of the Committee to recommend any specific scheme of pensions, or to designate the sources from whence they should be drawn.

"7. They may, however, state that the information they have received from Lieutenant General Cartwright, one of Her Majesty's Inspectors of Constabulary in England, and from Dr. Farr, Superintendent of the General Register Office, and other witnesses, is sufficient to assure them that in the establishment of police superannuation funds in England, serious mistakes were committed.

"8. These funds, many of which are verging on bankruptcy, are made up partly from stoppages in the men's pay, partly from fines, and partly from the sale of old clothes and other miscellaneous sources, all of which together have proved quite inadequate to meet the demands upon them.

"9, The Committee believe that no real economy or advantage would be attained by the creation of superannuation funds in Scotland on the English model; and, considering how uncertain any estimate must be of the probable sums that may be required in future years for pensions and gratuities, they think that the best, and undoubtedly the simplest course, would be to require the public to provide them as occasions arise.

"10. Whether the whole burden should be thrown on the local ratepayers, or some portion of it, at least, be assumed by the general public, it is not for the Committee to determine.

"11. They may observe, however, as bearing on this point, that the whole expense of the Irish constabulary is borne by the Consolidated Fund, and that of the expenses of the Dublin force are drawn from the same source.

"12. With regard to the scale of pensions, and the terms on which they should be granted, the Committee beg to refer especially to the evidence of Lieutenant General Cartwright, and of Dr. Farr, and to the valuable and instructive reports by the latter authority upon the condition of the English county, burgh, and metropolitan superannuation funds, recently presented to Parliament.

"13. The main features of Dr. Farr's proposals—which, it is scarcely necessary to observe, are quite capable of modification in details—consist in insuring to members of the force a retiring pension for life after a lengthened period of service, fixed by him at

33 years; and for those who are incapacitated for duty, after a shorter period of service than 33 years, gratuities or pensions for a limited number of years according to a fixed scale.

RECAPITULATION of proposed Measures.

(*a.*) To a gratuity in the case of disability from sickness, after five and under 15 years of service; the gratuity to be equivalent to as many months' pay as they have completed years of service.

(*b.*) To pensions after 15 years' completed service at the rate of 15-50ths of the pay receivable when the pension is granted; after 16 years to 16-50ths of the pay as pension; and so on to 33-50ths, at which it will stop.

The scale will run thus:

Years of Service.		
0 and under 5	No gratuity	
5 ,, 15	Gratuity equal to a month's pay for every completed year of service	
15	Pension of 15-50ths of pay	For five years certain, if the pensioner lives so long.
16	,, 16-50ths ,,	
• •		
25	,, 25-50ths ,,	
• •		
32	,, 32-50ths ,,	
33	,, 33-50ths ,,	For life.
34	,, 33-50ths ,,	,,

2. The pensions under the age of 60, and for less than 33 years' service, to be for the term of five years certain, and the Commissioners to be empowered to recommend a longer term of 6, 7, 8, 9, 10, 11 years, or life, in the case of any extraordinary merit or good conduct, taking also the length of service into account; thus the term of pension may be extended to six years after 18 years' service; seven years after 21 years' service; 10 years after 30 years' service.

3. After 33 years' service the pension to be for life, and equal to 33-50ths of the pay, or a larger proportion in the case of extraordinarily good conduct.

4. For injuries received at any time in the actual performance of duty the pension to be for life, and not to exceed the pay in amount; these pensions to be granted after careful investigation upon grounds fully set forth, and to bear a proportion to the resulting disability.

"14. The first of these proposals is capable of being carried out with ease, there being no difficulty in discovering for how many years, and in what grades, a man may have served in the police. But the second of them is less simple.

"15. One of the chief drawbacks upon any system of retirement that can be devised, which is dependent upon conditions of health, consists in the temptation thereby offered to the practice of "malingering," *i.e.*, feigning illness, or of exaggerating the severity of actual ailments, for the purpose of securing gratuities or pensions.

"16. In the Army and the Navy, this evil is well known; and Dr. Farr draws especial attention to its existence in the Metropolitan Police force, in connection with the superannuation system as at present administered.

"17. In explanation of one of the Tables in his Report on the Metropolitan Superannuation Fund, Table 20, 'showing the assigned causes for which 1,951 policemen were persioned during the 21 years, 1840-60, &c.,' Dr. Farr remarks, that 'these diseases may be distinguished into (1) those of which the symptoms are evident to the eye of the surgeon, including advanced consumption, and all the severer forms of disease; (2) the other diseases, such as deafness, debility, rheumatism, and the like, which are chiefly affections of the sensations, and are wholly felt and positively known to the patient himself, who may or may not exhibit external signs of the pains, ranging from a mere headache to the most atrocious neuralgic pain from dulness or paralysis.'

"18. Again, he says, 'Some of the candidates for the pension are suffering from dangerous diseases; others, whose health is not otherwise impaired, are disabled by deafness, lameness, and certain infirmities, from discharging the duties of a police constable: and the facts justify us in believing that a large proportion of the successful candidates, when pensioned, are only suffering temporary illness, or such slight pains and infirmities as never prevent other men from following their usual occupation.'

"19. Further on he says: 'When a constable of the malingering class is determined to get his pension he often fails, but as a man can by training improve, so he can more easily depress his health; his frequent slight ailments give the divisional surgeon, with whom the fight begins, a great deal of trouble; the superintendent is not sorry to get rid of him; so in the end, when he is actually suffering from some ailment to which all men are every year subject, and which can be induced spontaneously, he gets his divisional certificate, and all the pressure is brought to bear on the good nature of the surgeon in chief, who has the alternative of sometimes cruelly retaining in the force a real sufferer, or of allowing loose fish to escape through his net. The whole responsibility of refusing a pensioner's claim to a disabling infirmity and a pension is thrown on *one officer*, and not, as in the Army, on a board.

"20. 'The existence of this class of pensioners, who become suddenly ill, and as suddenly recover, is known, and their conduct is, I believe, deplored by the conscientious men of the force who pursue the opposite line, persevering to the last in the discharge of their duty.'

"21. In the consideration, therefore, of the details of any measure of superannuation, the greatest care must be taken to provide tests and safeguards against the occurrence of the abuses above referred to.

"22. A stringent system of medical supervision and inspection would be absolutely essential.

"23. Each application for a pension on account of wounds or ill health might, moreover, in the first instance be required to be approved of by the chief constable or superintendent and the police committee; upon whom the power might also with advantage be conferred of requiring the pensioners from time to time to report themselves to them, and of ordering, if they think fit, examinations yearly into the condition of their health.

24. The Committee have taken some general evidence on the subject of the existence in counties of separate police forces, distinct from the county force, and they have examined witnesses with some particularity regarding the state of affairs in connection with the police in the towns of Ayr, Ardrossan, and Wick.

"25. The town of Ayr, within its Parliamentary boundaries, contains 18,573 inhabitants. Of these, 8,219 dwell in the old town, and 10,354 in Newton and Wallacetown, the poorest district of the town, and the one most frequented by the unruly clsses. This part of the town is separated from the old town by the river.

"26. The whole town has a magistracy and a separate police establishment of its own; whilst Newton and Wallacetown are in the county of Ayr for police purposes.

"27. The inhabitants of the latter portion of the town made an effort some years ago to be permitted to unite with the old town, but without success. On the other hand, the old town takes no step to unite itself to the county for police purposes, and a state of affairs is the result which has been described to the Committee as being both inconvenient and mischievous. There is such a deadlock, removable under the existing law at the pleasure of the old town of Ayr alone, in the way of any reasonable arrangement on the subject.

"28. The case of Ardrossan is of a similar kind on a smaller scale. That town, containing but 2,900 inhabitants, has a jurisdiction separate from that of the county in which it is situated, and maintains a separate police establishment (reported inefficient by the Government Inspector), consisting of one 'old man, who is called the burgh officer, and, lately, an assistant watchman at night (553). Salcoates, a town somewhat larger than Ardrossan, almost adjoins it. Salcoates is in the county, and has no separate jurisdiction or police force. Then, besides the burgh of Ardrossan, there is the harbour of Ardrossan, which has a 'jurisdiction of its own, and the power of appointing constables, so that there are within three places, quite close to each other, and indeed almost joined, three separate jurisdictions.' (Capt. Young, 553.)

"29. The case of Wick is as follows:

> "The town of Wick, within its Parliamentary boundaries, is made up of the royal burgh of Wick, with 2,000 inhabitants, of Louisburgh on the north, with upwards of 1,200 inhabitants, and of Pulteney town on the south, across the river, with 5,000 inhabitants.
>
> "The royal burgh, a small place, with a limited area, is under the municipal government of a provost, magistrate, and town council.
>
> "Louisburgh is under county jurisdiction.
>
> "Pulteneytown is under the Pulteneytown Commissioners, acting under a special statute (7 & 8 Vict. c. 52). The royal burgh maintains a separate police establishment (reported inefficient by the inspector) consisting of two men.
>
> "Louisburgh is served by and assessed for the county police.
>
> "Pulteneytown maintains a separate force (reported inefficient) of three men.

"30. The Sheriff of the county of Caithness holds, that the chief constable must supply men to keep the peace in Wick and Pulteneytown, and the Commissioners of Supply claim the right of assessment in Wick and Pulteneytown for the force thus employed; a right which is now the subject of legal proceedings, and is but too likely to prove costly to all concerned, There is thus, in each of these places, a double force employed acting not very harmoniously together.' (Mitchell, 2284.)

"31. The Committee have thought it right to enter with some detail into the circumstances connected with Ayr, Ardrossan, and Wick; but for a better understanding of the subject, and appreciation of the obvious evils attendant upon so disjointed a system of police and magisterial authority, they refer especially to the evidence of Captain Young, of Mr. Gray, and of Mr. Mitchell.

"32. The Committee, however, are far from adducing these instances as fair samples of the state of things prevailing generally in the Scotch towns; on the contrary, they have been purposely selected as extreme cases; but it is reasonable to believe, that in other localities mischievous anomalies similar in kind, though modified in degree, may be found to prevail.

"33. The Committee now pass to some of the general objections commonly urged against the existence of separate police establishments for burghs and counties.

"34. The towns, it is said, are necessarily or naturally the head quarters of a large per-centage of the criminal classes. They are the chief resorts, also, of tramps and vagrants.

"35. It is of great consequence that the county police should be specially acquainted with the haunts of these classes, that the lodging-houses they frequent should be systematically visited, and that their habits should be observed, not only when engaged in their avocations beyond the limits of the towns, but at other times also.

"36. It is said that a local police, maintained for local rather than general purposes, is naturally less zealous in the detection or prevention of crime beyond the limits of its jurisdiction than within those limits, and that however anxious the magistrates on one side and the county authorities on the other may be to co-operate with each other, that complete unity of action which is essential in the prevention of crime and pursuit of criminals, can only be obtained by the employment of a united force for one set of duties under a common head.

"37. Another consideration affecting this question is the discretionary character of some of the duties devolving on the police, and especially on the police of towns.

"38. The larger the discretionary powers confided to the constabulary by modern legislation, the more jealously ought they to be protected against even the suspicion of undue influences in the performance of their difficult and sometimes delicate responsibilities. It is scarcely too much to say that, under the Public-houses Acts alone, a police constable has it frequently in his power, by shutting his eyes at one moment and exercising vigilance at another, to make or mar the fortunes of individuals.

"39. In the administration of a county force a constable may be removed from one station to another if it be suspected that he is becoming subject to local influences. But in a small town with a small police force the removal of a constable from place to place is impossible; and thus one of the securities for the impartiality of his behaviour is lost.

"40. Another advantage alleged in favour of amalgamation, is its economy. Nothing is more truely costly than an inefficient police force; and when we find Colonel Kinloch stating in his report 'that there is not such cordial co-operation between some of the burgh and county forces as there ought to be for the public interests,' and other persons confirming his views, it may simply be inferred that private property pays for this inefficiency.

"41. Considerable, however, as are the benefits that accrue to the public from a voluntary amalgamation of the burgh and county forces, the Committee are not of opinion that in ordinary cases, coercive measures of amalgamation are called for. Already, since the establishment of the police force in 1858, 20 burghs have voluntarily united for police purposes with the counties in which they are situated, and in no instance does it appear that a burgh has relieved itself from its agreement with the county under the powers which the statute provides for that purpose.

"42. In such cases, however, as those which have been specially referred to, in which a town population of no great size is divided into separate police administrations to the prejudice of a portion of the whole community, the Committee think that, if due care be taken to guard special local interests from injustice, some compulsory powers might advantageously be exercised for the purpose of uniting the whole population in one magisterial and police jurisdiction, or else of uniting the whole population with the county for police purposes, on terms of union such as those that are entered into voluntarily between burghs and counties under the 61st section of the statute.

"43. The Committee have given some consideration to the subject of the relations of the chief constable with the county authorities, the sheriff justices and police committee, and also with the procurator fiscal.

"44. In the Act of 1857 the functions, as regards the police, of the sheriff, justices of peace, and police committee are defined with more or less particularity. But the duties and functions of procurators, in reference to the new police force, are not once mentioned in that statute.

"45. At first sight it would appear that the duties of an officer of police and those of a public prosecutor are distinct in their attributes. The evidence, however, which the Committee have received, sufficiently shows that such is not the case in Scotland.

"46. The requirements of the procurator fiscal affect the functions of the police almost from the moment when an offence has been committed until it has been disposed of in the ordinary course of law.

"47. A police constable is required, not only to report shortly, as in England, any case of crime that comes under his notice to his superiors, but is required also, with a view to the production of written evidence for the use of the procurator fiscal, to draw up a detailed and sometimes a voluminous report, both of what he has observed himself, and of what others state to him that they have observed.

"48. In this respect the police constable is employed in taking what may be described as a species of sub-precognition preparatory to the formal precognition before the procurator himself.

"49. Each case of crime, as it occurs, is reported generally through the chief constable, to the procurator fiscal, and when once reported the case is in his hands; and hence the duty devolves upon the procurator fiscal, or may plausibly be assumed by him, of directing the measures necessary for detecting the crime and bringing the criminal to justice.

"50. But these duties devolve also upon the chief constable; and it thus happens that while, in some counties, the best understanding prevails between the public prosecutor and the chief constable, in others the former officer gives instructions to the subordinates of the latter without communicating with him, to the prejudice of the discipline of the force.

"51. In illustration of the evils that are liable to arise out of the indefiniteness of the relations between the chief constable and the procurators fiscal, the Committee refer to questions 2766 and 1620 in the evidence.

"52. They also beg to refer to the evidence of Mr. Milne, sheriff substitute of Selkirkshire, and other witnesses, on the same subject.

"53. The Committee have observed that the indefinite nature of the authority over the chief constable assigned to the sheriff and justices of peace under the Act of 1857, has given rise, in some instances, to doubt and misunderstanding. They are of opinion that the position of chief constable ought to be one of reasonable independence within the range of his special duties, and that he ought to be protected from undue pressure by local authorities in the exercise of those duties.

"54. The Committee recommend that the relative functions of the procurators fiscal and chief constable be fully considered by the competent authorities, and that henceforth one only of these officers be held responsible for the direction of measures by the police for the detection of crime, and the pursuit of criminals.

"55. Before dismissing this branch of the subject, the Committee may state that questions have been put to several witnesses, as to the instructions under which the procurators fiscal act, as to their duties on the occurrence of serious crimes or riots, or in cases of sudden death, or of death under suspicious circumstances, and also as to the effect of that peculiarity of the Scottish criminal system, viz., the secret precognition.

"56. All these questions affect, in a greater or less degree, the position of the constabulary, and are worthy, on many accounts, of being thoroughly investigated; but they were beyond the scope of the present inquiry.

"57. The Committee recommend that the systems which prevails in some counties, of remunerating procurators fiscal partly by fees, be put an end to, and that these officers be remunerated entirely by fixed salary.

"58. In the event of the burden of providing pensions and gratuities to the police being thrown upon local assessments, it is worthy of consideration whether the local ratepayers may not equitably be relieved of their share of the burden of supporting the procurators fiscal.

"59. In connection with this subject, the Committee refer to the evidence of Mr. Forbes Irvine, Convener of the County of Aberdeen.

"60. The Committee recommend the abolition of that system of fees for the service of the constabulary when they are employed in a particular class of duty, under which repayments are made to the county by the Exchequer, varying in amount each year, and dependent upon detailed accounts being made out by the constabulary, and audited by the Exchequer.

"61. The Committee believe that this system not only gives much trouble to the Exchequer and the Police authorities, but that it is open to other grave objections.

"62. An annual sum, determined by arbitration, should be paid to the counties by the Exchequer in lieu of present payments.

"63. The Committee recommend that the powers conferred on the justices of peace in general or quarter sessions assembled by the sixth section of the Police Act, be transferred to the police committee.

"64. The quarter sessions in Scotland is a body having no general cognizance of police affairs, whilst all the police affairs of the counties are necessarily submitted to the police committees.

committees. The police committee is a body largely composed of justices of peace, and represents, more or less completely, the commissioners of supply and ratepayers of the county. The sheriff, as also the Lord Lieutenant, is *ex officio*, member of the police committee. Under these circumstances, the powers given to the justices by section 6, will be more efficiently exercised by the police committee than by the justices. In the event of conflicting orders being given to the chief constable by the sheriff and the police committee, the sheriff's order to be valid, pending an appeal to the Secretary of State.

"65. Additional constables may be appointed by the chief constable, with the approval of the sheriff or justices in general or quarter sessions assembled, at the instance, and at the expense of parties making application for them.

"66. Under this section of the statute, a considerable force of additional constables is employed in some counties under the superintendence of the chief constable for the suppression of salmon poaching. The employment of a chief constable in such duties as these, occupying as they sometimes do, a considerable portion of his time and attention, is a matter deeply concerning county interests. It appears, therefore, to the Committee to be desirable, that the sanction either of the police committee should be required, in addition to that of the sheriff or justices, to the appointment of additional constables under the seventh section.

"67. Under the existing law police constables are subject to dismissal by the chief constable, and chief constables are subject to dismissal by the police committee. In burghs the superintendent cannot be dismissed by the magistrates without the approval of the Secretary of State.

"68. In the event of the superannuation system being adopted, the Committee recommend that the sanction of the police committee shall be required to the dismissal by the chief constable of any member of the force who has served more than   years, or is in first class of constables, and the sanction of the Secretary of State to the dismissal of a chief constable by the police committee, who has served more than   years.

"69. Colonel Kinloch, the Inspector of Constabulary in Scotland, has recommended in his reports and in his evidence, the establishment of a police gazette for Scotland with a view to ensuring the sure and speedy transmission to the various police stations of such information as it is desirable should be circulated amongst them.

"70. Other witnesses have confirmed Colonel Kinloch's views. and the Committee recommend the adoption of measures for carrying this proposal into effect."

The said Draft Report is read and considered.

Ordered, That the Committee be adjourned to Tuesday next, at Twelve o'clock.

Die Martis, 7° *Julii*, 1868.

LORDS PRESENT:

Earl of Doncaster.	Lord Clinton.
Earl of Airlie.	Lord Elphinstone.
Earl of Minto.	Lord Lyveden.
Earl of Camperdown.	Lord Colonsay.

The Earl of MINTO in the Chair.

Order of Adjournment read.

The Proceedings of the Committee on Monday the 29th of June last are read.

The Draft Report is again considered, and Amendments are made therein.

Ordered, That the Committee be adjourned to Friday the 17th instant, at Twelve o'clock.

Veneris, 17° *Julii*, 1868.

LORDS PRESENT:

Earl of Doncaster.	Lord Elphinstone.
Earl of Airlie.	Lord Penrhyn.
Earl of Minto.	Lord Colonsay.
Earl of Camperdown.	

The Earl of MINTO in the Chair.

Order of adjournment read.

The Proceedings of the Committee on Tuesday, the 7th instant, are read.

The Draft Report, printed as amended, is laid before the Committee, and is as follows, viz.:

" 1. The Act of 1857 (20 & 21 Vict. c. 72) establishes no regular system of pensions for members of the police force who are disabled by wounds or sickness from further employment in the force, or who have served for a lengthened period in the force.

" 2. In the Army and Navy, in the police services of England and Ireland, and in the civil service, a system of pensions exist.

" 3. A regular course of instruction and considerable experience are requisite for the production of a useful police constable; and in the absence of any pensions in the Scottish system, men frequently retire from their employment at the very time when their services have become of value to the public.

" 4. The Committee are of opinion that a well devised scheme of pensions and gratuities would check the disposition of such men to leave the service, and would therefore be highly conducive to its efficiency.

" 5. Considerable expense must necessarily attend the adoption of a scheme of police superannuation; but this drawback will, in the opinion of the Committee, be more than counterbalanced by the advantages that may be expected to result from it.

" 6. It is not necessarily within the duties of the Committee to recommend any specific scheme of pensions, or to designate the sources from whence they should be drawn.

" 7. They may, however, state that the information they have received from Lieutenant General Cartwright, one of Her Majesty's Inspectors of Constabulary in England, and from Dr. Farr, Superintendent of the General Register Office, and other witnesses, is sufficient to assure them that in the establishment of police superannuation funds in England, serious mistakes were committed.

" 8. These funds, many of which are verging on bankruptcy, are made up partly from stoppages of pay, partly from fines, and partly from the sale of old clothes and other miscellaneous sources, all of which together have proved quite inadequate to meet the demands upon them.

" 9. The Committee believe that no real economy or advantage would be attained by the creation of superannuation funds in Scotland on the English model; and considering how uncertain any estimate must be of the probable sums that may be required in future years for pensions and gratuities, they think that the best, and undoubtedly the simplest course, would be to require the public to provide them as occasions arise.

" 10. Whether the whole burden should be thrown on the local ratepayers, or whether some portion of it should be assumed by the general public, it is not for the Committee to determine.

" 11. They may observe, however, that the whole expense of the Irish constabulary is borne by the Consolidated Fund.

" 12. With regard to the scale of pensions, and the terms on which they should be granted, the Committee beg to refer especially to the evidence of Lieutenant General Cartwright, and of Dr. Farr, and to the valuable and instructive reports by the latter authority upon the condition of the English county, burgh, and metropolitan superannuation funds, recently presented to Parliament.

" 13. The main features of Dr. Farr's proposals—which it is scarcely necessary to observe are quite capable of modification in details--consist, 1st, in providing for those who are incapacitated for duty, after a shorter period of service than 33 years, gratuities or pensions for

for a limited number of years according to a fixed scale; 2nd, in insuring to members of the force a retiring pension for life after a lengthened period of service, fixed by him at 33 years.

RECAPITULATION of proposed Measures by Dr. *Farr*, for the Metropolitan Police.

(*a.*) To a gratuity in the case of disability from sickness, after five and under 15 years of service; the gratuity to be equivalent to as many months' pay as they have completed years of service.

(*b.*) To pensions after 15 years' completed service at the rate of 15-50ths of the pay receivable when the pension is granted; after 16 years to 16-50ths of the pay as pension; and so on to 33-50ths, at which it will stop.

The scale will run thus:

Years of Service.		
0 and under 5	No gratuity	For five years certain, if the pensioner lives so long.
5 „ 15	Gratuity equal to a month's pay for every completed year of service	
15	Pension of 15-50ths of pay	
16	„ 16-50ths „	
* *		
25	„ 25-50ths „	
* *		
32	„ 32-50ths „	
33	„ 33-50ths „	For life.
34	„ 33-50ths „	„

2. The pensions under the age of 60, and for less than 33 years' service, to be for the term of five years certain, and the Commissioners to be empowered to recommend a longer term of 6, 7, 8, 9, 10, 11 years, or life, in the case of any extraordinary merit or good conduct, taking also the length of service into account; thus the term of pension may be extended to six years after 18 years' service; seven years after 21 years' service; 10 years after 30 years' service.

3. After 33 years' service the pension to be for life, and equal to 33-50ths of the pay, or a larger proportion in the case of extraordinarily good conduct.

4. For injuries received at any time in the actual performance of duty the pension to be for life, and not to exceed the pay in amount; these pensions to be granted after careful investigation upon grounds fully set forth, and to bear a proportion to the resulting disability.

"14. The second of these proposals is capable of being carried out with ease, there being no difficulty in discovering for how many years, and in what grades, a man may have served in the police. But the first of them is less simple.

"15. One of the chief drawbacks upon any system of retirement which is dependent upon conditions of health, consists in the temptation thereby offered to the practice of 'malingering,' *i. e.*, feigning illness, or of exaggerating the severity of actual ailments, for the purpose of securing gratuities or pensions.

"16. In the Army and the Navy this evil is well known; and Dr. Farr draws especial attention to its existence in the metropolitan police force, in connection with the superannuation system as at present administered.

"17. In explanation of one of the Tables in his Report on the Metropolitan Superannuation Fund, viz., Table 20, 'showing the assigned causes for which 1,951 policemen were pensioned during the 21 years, 1840–60, &c.,' Dr. Farr remarks that 'these diseases may be distinguished into (1) those of which the symptoms are evident to the eye of the surgeon, including advanced consumption, and all the severer forms of disease; (2) the other diseases, such as deafness, debility, rheumatism, and the like, which are chiefly affections of the sensations, and are only felt and positively known to the patient himself, who may or may not exhibit external signs of the pains, ranging from a mere headache to the most atrocious neuralgic pain, from dulness or paralysis.'

"18. Again, he says, 'Some of the candidates for the pension are suffering from dangerous diseases; others, whose health is not otherwise impaired, are disabled by deafness, lameness, and certain infirmities, from discharging the duties of a police constable; and the facts justify us in believing that a large proportion of the successful candidates, when pensioned, are only suffering temporary illness, or such slight pains and infirmities as never prevent other men from following their usual occupation.'

"19. Further on he says: 'When a constable of the malingering class is determined to get his pension he often fails, but as a man can by training improve, so he can more easily depress his health; his frequent slight ailments give the divisional surgeon, with whom the fight begins, a great deal of trouble; the superintendent is not sorry to get rid of him; so in the end, when he is actually suffering from some ailment to which all men are every year subject, and which can be induced spontaneously, he gets his divisional certificate, and all the pressure is brought to bear on the good nature of the surgeon in chief, who has the alternative of sometimes cruelly retaining in the force a real sufferer, or of allowloose fish to escape through his net. The whole responsibility of refusing a pensioner's claim to a disabling infirmity and a pension is thrown on *one officer*, and not, as in the army, on a board. The existence of this class of pensioners, who become suddenly ill, and

and as suddenly recover, is known, and their conduct is, I believe, deplored by the conscientious men of the force who pursue the opposite line, persevering to the last in the discharge of their duty.'

"20. In the consideration, therefore, of any measures for granting gratuities and pensions to members of the police force on the score of ill-health, the greatest care must be taken to provide tests and safeguards against the occurrence of the abuses above referred to.

"21. A stringent system of medical supervision and inspection would be essential.

"22. Each application for a pension on account of wounds or ill-health should, in counties, be approved of by the chief constable, and be by him submitted to the police committee; and should, in burghs, be approved by the superintendent, and be by him submitted to the magistrates; the pensioners to report themselves at such times and places as may be appointed, and to be subject to examinations into the conditions of their health.

"23. The Committee have received evidence on the subject of the existence in counties of separate police forces, distinct from the county force, and particularly in connection with the police in the towns of Ayr, Ardrossan, and Wick.

"24. The town of Ayr, within its Parliamentary boundaries, contains 18,573 inhabitants. Of these, 8,219 dwell in the old town, and 10,354 in Newton and Wallacetown, the poorest district of the town. This part of the town is separated from the old town by the river.

"25. The old town has a magistracy and a separate police establishment of its own, whilst Newton and Wallacetown are in the county of Ayr for police purposes.

"26. The inhabitants of the latter portion of the town made an effort some years ago to be permitted to unite with the old town, but without success. On the other hand, the old town takes no step to unite itself to the county for police purposes, and the result is a state of affairs which has been described to the Committee as being both inconvenient and mischievous. There is thus a deadlock, which, under the existing law, can be removed only by the action of the old town of Ayr.

"27. The case of Ardrossan is of a similar kind on a smaller scale. That town, containing but 2,900 inhabitants, has a jurisdiction separate from that of the county in which it is situated, and maintains a separate police establishment (reported inefficient by the Government Inspector), consisting of one 'old man, who is called the burgh officer, and, lately, an assistant watchman at night.' Saltcoats, a town somewhat larger, almost adjoins Ardrossan. Saltcoats is in the county, and has no separate jurisdiction or police force. 'Besides the burgh of Ardrossan, there is the harbour of Ardrossan, which has a jurisdiction of its own, under Act of Parliament, and the power of appointing constables, so that there are within three places, quite close to each other, and indeed almost joined, three separate jurisdictions.' (Capt. Young, 553.)

"28. The case of Wick is as follows:

> "The town of Wick, within its Parliamentary boundaries, is made up of the Royal burgh of Wick, with 2,000 inhabitants, of Louisburgh on the north, with upwards of 1,200 inhabitants, and of Pulteneytown on the south, across the river, with 5,000 inhabitants.
>
> "The Royal burgh, a small place, with a limited area, is under the municipal government of a provost, magistrate, and town council.
>
> "Louisburgh is under county jurisdiction.
>
> "Pulteneytown is under the Pulteneytown Commissioners, acting under a special statute (7 & 8 Vict. c. 72). The Royal burgh maintains a separate police establishment (reported inefficient by the inspector) consisting of two men.
>
> "Louisburgh is served by and assessed for the county police.
>
> "Pulteneytown maintains a separate force (reported inefficient) of three men.

"29. The Sheriff of the county of Caithness holds that the chief constable must supply men to keep the peace in Wick and Pulteneytown, and the Commissioners of Supply claim the right of assessment in Wick and Pulteneytown for the force thus employed; a right which is now the subject of legal proceedings. There is thus, in each of these places, a double force employed 'acting not very harmoniously together.' (Mitchell, 2284.)

"30. The Committee have thought it right to enter with some detail into the circumstances connected with Ayr, Ardrossan, and Wick; but, for a better understanding of the subject, and appreciation of the obvious evils attendant upon so disjointed a system of police and magisterial authority, they refer especially to the evidence of Captain Young, of Mr. Gray, and of Mr. Mitchell.

"31. The Committee, however, do not adduce these instances as fair samples of the state of things prevailing generally in the Scotch towns; they are, perhaps, extreme cases; but it may be inferred that anomalies of a similar kind exist in other localities.

"32. The Committee now pass to some of the general objections commonly urged against the existence of separate police establishments for burghs and counties.

" 33. The towns, it is said, are necessarily or naturally the head-quarters of a large per-centage of criminals and their associates. They are the chief resorts, also, of tramps and vagrants.

" 34. It is of great consequence that the county police should be specially acquainted with the haunts of these persons; that their habits should be observed, not only when engaged in their avocations beyond the limits of the towns, but at other times also; and that the lodging-houses they frequent should be systematically visited.

" 35. It is said that a local police, maintained for local rather than general purposes, is naturally less zealous in the detection or prevention of crime beyond the limits of its jurisdiction than within those limits; and that however anxious the magistrates and the county authorities may be to co-operate with each other, that complete unity of action which is essential in the prevention of crime and pursuit of criminals can only be obtained by the employment of a united force under a common head.

" 36. Another consideration affecting this question, is the discretionary character of some of the duties devolving on the police, especially in towns.

" 37. In the administration of a county force a constable may be removed from one station to another, if it be suspected that he is becoming subject to local influences. But in a small town, with a small police force, the removal of a constable from place to place is impossible; and thus one of the securities for the impartiality of his behaviour is lost.

" 38. Considerable, however, as are the benefits that accrue to the public from a voluntary amalgamation of the burgh and county forces, the Committee are not of opinion that, in ordinary cases, coercive measures of amalgamation are required. Already, since the establishment of the police force in 1858, 20 burghs have voluntarily united for police purposes with the counties in which they are situated. In no instance does it appear that a burgh has relieved itself from its agreement with the county under the powers which the statute provides for that purpose.

" 39. In such cases, however, as those which have been referred to, in which a town or towns, contiguous or nearly contiguous, containing a population of no great amount have separate police jurisdictions, to the prejudice of a portion of the community, the Committee think that, if due care be taken to guard special local interests from injustice, some compulsory powers might advantageously be exercised for the purpose of uniting such town or towns in one police jurisdiction, or of uniting them for police purposes with the counties in which they are situated, on terms of union such as are entered into voluntarily between burghs and counties under the 61st section of the statute.

" 40. The Committee have given some consideration to the subject of the relations of the chief constable with the county authorities, viz. the sheriff, justices, and police committee, and also with the procurator fiscal.

" 41. In the Act of 1857 the relations of the sheriff, justices of peace, and police committee with the police, are defined with more or less particularity; but the relations of procurators with the police are not mentioned in that statute.

" 42. At first sight it would appear that the duties of an officer of police and those of a public prosecutor are distinct. The evidence, however, which the Committee have received sufficiently shows that such is not the case in Scotland.

" 43. The requirements of the procurator fiscal affect the functions of the police almost from the moment when an offence has been committed until it has been disposed of in the ordinary course of law.

" 44. A police constable is required, not only to report shortly, any case of crime that comes under his notice to his superiors, but is required, with a view to the production of written evidence for the use of the procurator fiscal, to draw up a detailed and sometimes a voluminous report both of what he has observed himself and of what others state to him that they have observed.

" 45. In this respect the police constable is employed in taking what may be described as a species of sub-precognition preparatory to the formal precognition before the procurator himself.

" 46. Each case of crime, as it occurs, is reported, generally through the chief constables to the procurator fiscal, and when once reported the case is in his hands; and hence the duty devolves upon the procurator fiscal, or may plausibly be assumed by him, of directing the measures necessary for detecting the crime and bringing the criminal to justice.

" 47. But these duties devolve also upon the chief constable; and it thus happens that while, in some counties, the best understanding prevails between the public prosecutor and the chief constable, in others the former officer gives instructions to the subordinates of the latter without communicating with him, to the prejudice of the discipline of the force.

" 48. In illustration of the evils that are liable to arise out of the indefiniteness of the relations between the chief constable and the procurators fiscal, the Committee refer especially to the evidence of Mr. Boulbee and Mr. Stevenson.

"49. They also beg to refer to the evidence of Mr. Milne, sheriff substitute of Selkirkshire, and other witnesses, on the same subject.

"50. The Committee have observed that the indefinite nature of the authority over the chief constable assigned to the sheriff and justices of peace, under the Act of 1857, has given rise, in some instances, to doubt and misunderstanding. They are of opinion that the position of chief constable ought to be one of reasonable independence within the range of his special duties, and that he ought to be protected from undue pressure by local authorities in the exercise of those duties.

"51. The Committee recommended that the relative functions of the procurators fiscal and chief constable be fully considered by the competent authorities, and that henceforth one only of these officers be held responsible for the direction of measures by the police for the detection of crime and the pursuit of criminals.

"52. The Committee recommend that the system which prevails in some counties, of remunerating procurators fiscal partly by fees, be discontinued, and that these officers be remunerated entirely by fixed salary.

"53. In connection with this subject, the Committee refer to the evidence of Mr. Forbes Irvine, Convener of the County of Aberdeen.

"54. The Committee recommend the abolition of that system of fees for the service of the constabulary, when they are employed in a particular class of duty, under which repayments are made to the county by the Exchequer, varying in amount each year, and dependent upon detailed accounts being made out by the constabulary, and audited by the Exchequer.

"55. The Committee believe that that system not only gives much trouble to the Exchequer and the police authorities, but that it is open to other grave objections, all of which would be obviated if an annual sum were paid to the counties by the Exchequer in lieu of present payments.

"56. The Committee recommend that the powers conferred on the justices of peace in general or quarter sessions assembled by the sixth section of the Police Act, be transferred to the Police Committee. Section 6.

"57. The quarter sessions in Scotland is a body having no general cognizance of police affairs, whilst all the police affairs of the counties are necessarily submitted to the police committees. The police committee is a body largely composed of justices of peace, and represents more or less completely the commissioners of supply and ratepayers of the county. The sheriff, as also the Lord Lieutenant, is *ex officio* a member of the police committee. Under these circumstances, the powers given to the justices by section 6, will be more efficiently exercised by the police committee than by the justices. In the event of conflicting orders being given to the chief constable by the sheriff and the police committee, the sheriff's order to be valid, pending an appeal to the Secretary of State. Should this transference of authority be carried out, the Committee think that power should be given to the justices of a county, in general or quarter sessions assembled, to nominate one of their number (or, in the event of the police committee of a county consisting of more than 13 members, two of their number) to be added to the police committee of such county.

"58. Additional constables may be appointed, under the 7th section, by the chief constable, with the approval of the sheriff, or justices in general or quarter sessions assembled, at the instance and at the expense of parties making application for them.

"59. Under this section of the statute, a considerable force of additional constables is employed in some counties, under the superintendence of the chief constable, for the suppression of salmon poaching. The employment of a chief constable in such duties as these, occupying as they sometimes do a considerable portion of his time and attention, is a matter deeply concerning county interests. It appears, therefore, to the Committee to be desirable, that the sanction of the police committee should be required, in addition to that of the sheriff or justices, to the appointment of additional constables under the 7th section.

"60. Under the existing law, police constables are subject to dismissal by the chief constable, and chief constables are subject to dismissal by the police committee. In burghs the superintendent cannot be dismissed by the magistrates without the approval of the Secretary of State.

"61. In the event of the superannuation system being adopted, the Committee recommend that the sanction of the police committee shall be required to the dismissal by the chief constable of any member of the force who has served more than   years, or who is in the first class of constables, and the sanction of the Secretary of State to the dismissal by the police committee of a chief constable who has served more than   years.

"62. Colonel Kinloch, the Inspector of Constabulary in Scotland, has recommended, in his reports and in his evidence, the establishment of a Police Gazette for Scotland, with

with a view to ensuring the sure and speedy transmission to the various police stations of such information as it is desirable should be circulated amongst them.

"63. Other witnesses have confirmed Colonel Kinloch's views, and the Committee recommend the adoption of measures for carrying this proposal into effect."

The Committee have directed the Minutes of Evidence taken before them, together with an Appendix thereto, to be laid before your Lordships.

The same is read, and considered, and further Amendments are made therein.

It is proposed, by the Lord *Colonsay,* to omit paragraphs 40 to 51, both inclusive, and to insert the following paragraphs in lieu thereof.

"1. The Committee have given consideration to the subject of the relations of the chief constable and the constabulary force generally with the county authorities. In the Act of 1857, the relations of the police force to the sheriff, the justices of the peace, and the police committee, are to a certain extent defined, but no mention is made of the procurator fiscal, who is a local officer holding his appointment from the sheriff. That local officer discharges within the range of the sheriff's jurisdiction, not only the duty of conducting such criminal trials as take place before the sheriff, but also the duty with reference to all crimes, whether competent to be tried before the sheriff or not, of prosecuting the preliminary investigations, and collecting and preparing, in proper form, the evidence on which the public prosecutor is to determine, 1st, whether a criminal trial should be instituted; and, 2nd, if a trial is to be proceeded with, how the crime or crimes should be charged; what witnesses, documents, or articles of evidence should be adduced or founded on, and in what court the trial should take place. The procurator fiscal is an executive officer under the sheriff, who is also an executive officer responsible for due vigilance with regard to the investigation and suppression of crime within his county, but in such matters both the sheriff and the procurator fiscal may be directed by the superior authority of the Lord Advocate.

"2. In the performance of some of his duties, it is frequently necessary that the procurator fiscal should have the aid of the constabulary; but it is also important that such aid should be obtained with the least possible interference with the proper disposition and other arrangements of the constabulary force made under the direction of the chief constable. It may also happen that in the absence of previous concert or arrangement, measures taken by the procurator fiscal for the detection of crime, and measures taken simultaneously by the constabulary for the same object, may interfere more or less with each other. It is very desirable that no such jarring should take place; and in most counties there does not appear to be any inconvenience or want of harmonious action. But in one county at least, instances appear to have occurred of inconvenience having arisen from the want of proper communication and good understanding between the procurator fiscal and the chief constable, whose arrangements appear to have been at times interfered with. Such occurrences, however, are exceptional, and may be obviated by advice and directions from the superior authorities. The Committee therefore recommend that the legislative functions and course of action of the procurators fiscal and the chief constables, as to the direction of measures for the detection of crime and the pursuit of criminals should be fully considered by the competent authorities, with a view to obviating the risk of conflicts injurious to the public service."

The said paragraphs are read, and considered.

Resolved, That paragraphs 40 to 51, both inclusive, of the amended Draft be omitted, and that the paragraphs proposed by the Lord *Colonsay* be inserted in lieu thereof.

The Draft Report is again read, and the same, as amended, is *agreed to.* (*Vide* the Report.)

Ordered, That the Lord in the Chair do make the said Report to the House.

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LORDS PRESENT:

Earl of MORTON.	Earl of MORLEY.
Earl of LAUDERDALE.	Lord ELPHINSTONE.
Earl of AIRLIE.	Lord LYVEDEN.
Earl STRANGE.	Lord PENRHYN.
Earl of MINTO.	Lord COLONSAY.

THE EARL OF MINTO, IN THE CHAIR.

COLONEL JOHN KINLOCH is called in; and Examined, as follows.

Col. *J. Kinloch.*

21st May 1868.

1. *Chairman.*] YOU are the Inspector of Constabulary of Scotland?
Yes.

2. You are the first inspector who was appointed under the Act, I believe?
I was appointed in 1857; I was the first inspector appointed.

3. Is the nature of the duties which are confided to you specified in the Statute of 1857?
Yes, in the 65th section.

4. Will you read that clause to the Committee?
"It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint during Her Majesty's pleasure one inspector under this Act, to visit and inquire into the state and efficiency of the police appointed for every county and burgh, and also into the state of the police stations, charge rooms, cells, or lock ups, and other premises occupied for the use of such police; and the inspector so appointed shall report generally upon such matters to one of Her Majesty's Principal Secretaries of State, who shall cause such report to be laid before Parliament; and such inspector shall be paid, out of such money as may be provided by Parliament for the purpose, such salary and allowances as may be determined by the Commissioners of Her Majesty's Treasury."

5. Have you any other powers beyond those which are designated in this clause?
No; I had some general instructions sent to me by the Secretary of State, which I have not brought here, because I was not aware that I should be examined when I left home. There were some instructions sent to me in writing.

6. Were those instructions printed?
No, in writing; the general tenour of them was that I was appointed for the purpose of rendering more effectual the police system in Scotland; that I was to communicate with all the authorities in the counties and burghs, to inquire into and report upon the efficiency of the police, as the Act says, and to recommend what I thought was necessary. Those were my instructions; I have not brought them with me, not knowing that I should be examined here when I left home.

Col. *J. Kinloch.*

21st May 1868.

7. You visit each place, maintaining a separate police every year, do you not?

Yes; in the course of the year I visit and inspect the police of every county, either in one place or in divisions, and I visit each burgh separately.

8. There are 31 counties, with separate police, and 48 burghs, I think?

Yes.

9. Making altogether 79 separate police establishments?

Yes; 20 burghs have amalgamated with the counties and become consolidated with them under the Act, which your Lordship will find mentioned in the report I laid before you. Besides the 20 which have united with their counties, there are two that have merged in their counties; those are Peterhead in Aberdeenshire and Thurso in Caithness-shire.

10. And Kinross, Clackmannan, and Perth, I think, are united, are they not?

They were under the same chief constable; Kinross has given up the chief constable, and Clackmannan is going to do the same; they are going to appoint their superintendents as chief constables.

11. Your duties then are very much confined to inspecting the organization and making inquiries into the discipline of the police force?

Yes.

12. Do you inquire as to what their training is?

Yes; I see the men, and if they drill them as they generally do, I see them at drill; I have no authority to order it, but I see whatever they are inclined to show me.

13. Can you take any cognizance of their efficiency as regards the general performance of their duties in detecting crime, that is to say, as to whether they act intelligently or not in the detection of crime?

When I have any opportunity of seeing into that, I do; I should report them inefficient if I found them to be so; I generally see the returns which are made up for the Lord Advocate, showing all the crimes committed in the counties and burghs. It is not made up for me, it is made up for the Lord Advocate, but I have a copy of that return always shown to me, and it enables me to judge to a certain extent of the efficiency of the police in that respect.

14. Earl of *Airlie.*] Does that return to the Lord Advocate come before you officially?

No, but I have asked for it, and it is always given to me. The returns of crime for counties and burghs are generally sent to me, or if they are not, I ask for them, and they are shown to me. I do not call for any special return because it would give a great deal of unnecessary trouble to make up two returns within a short time. The return made up for the Lord Advocate is kept at the Home Office, and can be shown to me, and therefore I think it unnecessary to ask for one to be made up for myself, which might take much time to prepare.

15. You report as to whether the force is efficient or inefficient, do you not?

Yes, in numbers; I am limited pretty much by the Act; I have to report upon its efficiency in numbers and discipline.

16. You always give, I think, in your reports the proportion of the population to the number of constables?

Yes, I always give that; there is no rule in that respect; the proportion varies very much. Where I find that a county has a very large proportion of population to one constable, I point it out and say that I think that is some reason for increasing the police force, together with the extent of the county and the amount of crime, but it is difficult to maintain the same proportion. Some counties put on men of their own accord, and in the case of others I am obliged to suggest that the force should be increased. There is a great difference in counties in that respect.

17. There is one point upon which the Committee would very much like to know what your opinion is, and that is with regard to establishing a system of

superannuation

superannuation in the police force; do you think that that would add to their efficiency or not?

I have for 10 years, ever since the first time I reported, reported as strongly in favour of that as I could; I think it is really necessary. The police force is a branch of the public service and should have the same attractions as other branches. Look at the number of men in England employed in the police, beginning with the metropolis, including each of the cities, and all the constabularies of the English counties and boroughs; and in Scotland it is a large body of men altogether, and costs a large sum of money. It has hitherto been carried on in a somewhat irregular manner. I think the establishing of a superannuation fund would induce men to come into the force, and remain and do their duty in it steadily, and it would enable us to maintain a good system of discipline.

18. Lord *Penrhyn.*] Is there nothing of the sort existing now?

No; there is nothing of the sort now in Scotland.

19. *Chairman.*] I think in your report you say something about a system of superannuation being adopted at Greenock?

Yes; it was tried at Greenock in 1859, and in Glasgow, by stopping the pay of the men to the extent of 2½ per cent., but the Glasgow men did not like it, and it was dropped in a year or two. It continues at Greenock, but it is too small to be effective; the sums of money given are very small. They have been enabled also to give something to the widows of the men, but what was given was too small to be of much use. The different counties vary very much in liberality, and therefore I think it would not do to leave it to each county to have its own system of superannuation; some are liberal, and others are not. I think it would be desirable to have a superannuation, and to make it imperative, as it is in other branches of the public service. A number of plans of superannuation have been proposed, and I have been asked about them, but as I am not an actuary, I have never formed an opinion upon them; an opinion has been given by Dr. Farr, I believe, in a report he made upon that subject.

20. Have you seen that report?

No; but General Cartwright told me that he had a view of it last year. I have not seen it, but I am told that it is very complete; it refers to the police of England.

21. I think you said you had repeatedly made representations upon the subject to the Home Office?

Yes, for 10 years; I will read what I have said in my last report.

22. Is that a report which we have seen?

It is only printed this morning: "I have in my reports for the last 10 years recommended the establishment of a superannuation and a retiring fund for officers and constables of county and burgh forces, and every year convinces me more strongly that it is essentially necessary to preserve the efficiency of the police; such a measure is most anxiously looked for by every officer and constable in the country, and I beg leave to urge this most earnestly to be taken into consideration, and carried into effect as early as possible." That is what I have written upon the subject.

23. Earl of *Airlie.*] Do you find that there is any difficulty now in getting an efficient police?

A great many good men leave the force from finding that it is not worth remaining in; a great many of the best men leave.

24. Is there a difficulty in supplying their places?

No; but those who come in go too. The best men very often go, and those who are less desirable stay on; they are all very anxious about a superannuation, and I think it would be very greatly in favour with them, and tend to keep them in the force; the men who remain for some years in the force are much more valuable, and more worth their pay than the recruits who are often coming and going.

25. As I understood the paragraph in your report, it pointed rather to the wish of the police themselves, than to the efficiency of the service?

I think

Col. *J. Kinloch.*

21st May 1868.

I think it is desirable for the efficiency of the service, because we should get a better class of men.

26. Lord *Penrhyn.*] It takes some time to train a man to be an efficient policeman, does it not?
Yes; it takes about a year, more or less.

27. And therefore, though you might numerically keep up the strength of your force, you might have an inefficient force compared with one in which the men remained longer?
Yes, that is just what I mean; there are so many recruits, and they are constantly changing, and therefore the police is more or less inefficient, and practically below its authorised strength. The men are either too old or too young; we have not got the middle-aged; they are the men we should like to keep There are a great many men in the police in Scotland who are too old for the duty, and they would have been got rid of if there had been a superannuation fund, and a great many young men seeing these old men before them, and seeing that there is no chance of promotion for them, leave the force to take some other occupation.

28. Earl of *Lauderdale.*] After what length of service would you superannuate them?
At 55 years of age; I think that is, perhaps, long enough.

29. That is by age?
Yes.

30. After what length of service in the police would you superannuate them?
I should not fix any time for that; in the Metropolitan, and in some of the large police forces in England, different periods have been fixed. I have not thought of any particular length of service to fix upon: it might be 15 or 20 years' service, or 25 years' service.

31. I suppose you would consider that they must serve for a considerable time before being superannuated?
Yes.

32. Some 10 or 12 years?
Yes, certainly; perhaps 15 years or so. Another suggestion has been made, that the men should be regularly engaged for a certain number of years, like soldiers in the army, say for 10 or 12 years, and then at the end of that time be taken on again with an additional pay, or be entitled to a retiring allowance if they like to go. I think 15 years' service would be a good time to begin at.

33. Lord *Penrhyn.*] Have you any graduated scale of pay for length of service, as they have in the English county forces, in which a constable just appointed does not get the same rate of pay as a man who has been for some years in the force?
We have three classes generally; some counties four or five.

34. With a different scale of pay in each class?
Yes, it varies in different counties. The Secretary of State fixes a minimum of 17 *s.* 6 *d.* a week for the pay of the lowest class; the next class has generally about 1 *s.* 6 *d.* a week more; and the first class has 1 *s.* 6 *d.* a week more again, and in some counties they have established a merit class for a few men, who receive a shilling a week more: that amounts to 21 *s.* or 22 *s.* a week; but every county does not do that.

35. That acts, to a certain extent, in inducing men to remain in the force, does not it?
It certainly does; but even if there were a superannuation fund, as there is in London and in the English counties, they would also have that. I think men should be paid by merit more than by service.

36. Earl of *Airlie.*] Have you ever considered how a superannuation fund is to be raised; whether it is to be raised partly or wholly by a deduction from the present rates of pay, or whether it is to be raised entirely by an addition to the police rates?
There are a great many different plans proposed. The usual plan is that the

men

men should pay about 2½ per cent. of their pay. The men, generally, are willing to do that, and that, I believe, is generally done in England, in the large police forces at Liverpool and Manchester, and in other places; but that fund alone would not be enough; it would very soon be consumed. The rest must be provided, I do not know how. I have suggested that the authorities should pay a fourth part of it, namely 1¼ per cent., and that the Treasury should pay another fourth part, the same as they do in pay and clothing; that might do it.

37. *Chairman.*] Is there anything to prevent the counties doing that now; might they not assess themselves under the Police Act to give superannuation to deserving men in their forces?

They might do it, but I do not think all counties would agree, and it is desirable to have a legislative measure to make them all the same.

38. You stated in your last year's Report, that in Inverness-shire two constables were ordered to resign, and one was superannuated and received a gratuity of three months' pay?

Yes, that is done sometimes. A very small sum of money has been given, but it is almost a charity; it is not enough for a man to look to. It depends upon the police committee. One police committee might give it and another might not; it is very uncertain.

39. After the constables have arrived at a certain age, they are allowed superannuation in Scotland, are they not; after the age of 60, I think it is?

Yes, it is allowed; but the Act does not say how much they are to have, and what they receive varies in different counties. Some counties are liberal, and others are not.

40. Lord *Colonsay.*] Is it given under the statute as an annual payment, or is it a sum that may be given to them at the time of their retirement, not exceeding a certain number of years' pay?

The Act says, "It shall be lawful for the Commissioners of Supply of any county, if they think fit, on the report of the police committee, and upon the recommendation of the chief constable, and upon his certifying that any constable belonging to the police force of the county, who is 60 years of age, is incapable, from infirmity of mind or body, to discharge the duties of his office, to order that such constable shall receive out of the police assessment, to be levied as aforesaid, such sum in gross, as a gratuity upon his retirement, as to the said Commissioners of Supply may seem proper." That is when he is incapable from infirmity of mind or body.

41. It is limited in amount, is it not?

It is to be such a sum "as to the said Commissioners of Supply may seem proper." In some cases they might be liberal, and in others they might give very little. With regard to the superannuation fund, you will observe what I mentioned in my last year's report about Kincardineshire. The late Sir John Forbes was chairman, and he proposed a plan that the lives of constables should be insured when they entered. I have stated it here in as few words as I could use: "In Kincardineshire the lives of the constables are insured for the sum of 70*l.*, to be paid to them on attaining the age of 55, or at their death if it should take place before that time." The men were rather uncertain what would be the result, because there had not been a death vacancy; but the other day I was told that during last year a constable of 32 years of age, and only four years' service, died, and his widow and family immediately received 70*l.*; his annual premium of insurance was 2*l.* 4*s.* a year, which was less than 6*d.* a week to him, and less than 6*d.* a week to the county, so that it appears to be a very good plan.

42. Lord *Colonsay.*] By that plan, if a man dies in the force his widow gets 70*l.*; but if he goes on until he is 55, he may retire with the 70*l.*, and then his widow will get nothing?

His widow would have no claim in that case; this 70*l.* is looked upon as a very good sum in Scotland; and you will observe that this man was young; in the case of an older man the rate would be higher; but I think it is desirable to get younger men into the force in Scotland, and to keep those we do get.

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43. Earl *Strange.*] Do you take men into the force at any age?

The limit used to be 40, it is now 35; if the recruit is a young and intelligent man, we let him run up to the first class early, and then he is settled, and you have that man's service for many years. I do not think it is a good plan to take old broken-down tradesmen; you do not get much service out of them.

44. *Chairman.*] What was the proportion you said you thought the men would submit to have stopped out of their pay; was it 2½ per cent.?

Two and a-half per cent. is what has been talked of.

45. And you think that another 2½ per cent. provided by the country would make up a sufficient sum for a superannuation fund?

Yes; but a superannuation fund soon eats up the supply, as was found in the case of the metropolitan force here. A very large public grant was obliged to be made to keep it up; and one difficulty in Scotland is, the very large number of old men in the force; they would die off very fast; and the funds would require to be kept up very much; therefore the system on which the superannuation fund is to be established requires to be prepared very carefully, by an actuary, or some one who has been accustomed to these things like Dr Farr.

46. Lord *Penrhyn.*] Have you taken into account, in reference to that point, the wear and tear of the metropolitan police compared with a county constabulary in producing disability?

No, I have not.

47. Do you not think that there might be a considerable difference in that respect?

There might be some difference.

48. The greater exposure and other risks to life in London might produce a greater mortality, and a greater amount of disability in that force than in a county force, might it not?

I think that is likely; but all that will appear in Dr. Farr's Report. I have not gone into it myself, or only generally; I have spoken of it, in order that it might be put into proper hands, for I might have calculated a good deal, and yet not have come to a right decision in the matter.

49. Lord *Colonsay.*] In speaking of a superannuation fund, did you mean an annuity to be paid to the party himself?

Or a sum of money.

50. Those are very different things; they proceed on different principles altogether. At present there is the power to pay a sum of money, but it is limited?

Yes, it is very limited.

51. Do you point at an annuity to the party, or a sum of money?

I think either would be good; I should not like to give the preference to either. I should say whichever would be most likely to be carried into effect; one man might like an annuity, and another man might like a sum of money; I should not like to decide either way.

52. You have no opinion as to which would be the most expedient?

No; I think there would be a difference of opinion about it.

53. Do you mean it to be an annuity to the party himself, or are any members of his family to participate in it?

I think in these funds they generally expect that if a man dies, the widow and family would have something.

54. If the principle of the superannuation fund was that of an annuity to the party, would they expect the widow to have something too?

I think if a man subscribed he would expect that his widow and family should get something, else there would not be the same object or inducement to him to subscribe.

55. Would you have any payment upon marriage, or any rule as to the age of the wife, or anything of that kind?

No, I think not. If a man came into the force, and there was 2½ per cent. deducted

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deducted from his pay, he should have the right to marry at any time afterwards. I do not think we should complicate the matter by any rule such as you speak of. We should leave a man to marry as he liked.

56. That would affect the fund, you know, in which others were interested?
Yes.

57. I point to this, that giving an annuity to the widow is entering upon a different principle, and upon different elements of calculation, from the grant of a retiring annuity to a man?
If that complicated the matter it would be better to simplify it by paying the money to the man, but in Greenock they like the plan of giving something to the widow.

58. I do not talk of Greenock?
In Greenock they consider it a great advantage that they can give something to the widow.

59. If it is to be an annuity to the man, you mentioned that there would be a danger of the fund running short in Scotland by reason of the great age of the present parties; now, would that be so if it was given as an annuity to a man. Perhaps you think that his retirement would come sooner?
Yes, because men would like to retire upon something after a long service, and there are so many old men, particularly in the Edinburgh force, that they would eat up anything of this kind.

60. When you talked of the authorities providing anything else that was required beyond the 2½ per cent., whom did you mean?
I should say the Commissioners of Supply in counties, and the ratepayers in burghs; I mean that it should be regulated by the authorities.

61. It should not be a charge upon the Consolidated Fund of the county?
I think a further sum should come out of the Consolidated Fund.

62. It should be divided into three portions, of which the police themselves should pay one portion, the Commissioners of Supply and the ratepayers another, and the Consolidated Fund the third?
Yes, half should be provided out of the 2½ per cent. deducted from the pay of the police, one quarter should be paid by the Commissioners of Supply or the ratepayers, and the Government should pay the remaining quarter as they do now. They pay a quarter, or 25 per cent., of the pay and clothing; I think it would be well for them also to give a fourth part of the superannuation fund.

63. Earl of *Airlie.*] Instead of giving a superannuation to a man, your proposal is that after a certain age, as I understand it, he should have a retiring allowance?
He should have a retiring allowance after a certain service, and for a shorter service a smaller sum should be given to him if he chooses to go. It is so in the metropolitan force. I have not the number of years here, it was told me verbally the other day, but after a certain number of years, if a man goes, he has a small retiring allowance, and if he stays on a few years longer he has more given to him on going.

64. If, instead of giving a retiring allowance when a policeman had reached a certain age, you gave a retiring allowance after a policeman had served a certain number of years in the force, would not that meet the case of the older men; would you not get the work out of a man at all events?
Yes, while he was able to serve, I think that that might be done. There are several systems of superannuation which have been proposed; probably an actuary, or those public men who calculate these things, would put them before the Committee, and then it could be judged which was the best; several suggestions have been made; I really have not been able to make up my mind which is to be preferred.

65. Lord *Penrhyn.*] If I understand it rightly, your general idea is that the retiring allowance should be dependent upon the man's age or service, not upon his health?
Yes.

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66. You would have it depend upon either his age or his length of service, not upon his disability for the performance of his duties ?
No, I would say after a certain number of years service, or after a certain age, I think it would be better to limit it to that.

67. In that case a man whose health broke down while he was in the force would get nothing until he arrived at the limit of age ?
Not unless he had served long enough to entitle him to it.

68. *Chairman.*] That, I think, is the case under the English statute at present ?
Yes.

69. There is a system of superannuation, I believe, in every county in England ?
Yes, but not perfectly worked, as I understand ; I learnt that from General Cartwright ; and some of the chief constables are anxious to get it placed upon a good footing ; it occurred to me that what was recommended for one country would probably do for the other, and if your Lordships' Committee recommended any system for Scotland, that might be adopted also in England, and the same measure might be adopted for both countries. I think the two countries should be assimilated as much as possible in that respect.

70. Earl of *Lauderdale.*] You think the superannuation in Scotland ought to be upon the same system as it is in the police forces in England ?
Yes.

71. You would have one system for all the police ?
Yes ; there should be one system for all. It appears to me that what is good for England would be good for Scotland.

72. Lord *Colonsay.*] You do not allude to any system at present existing anywhere, do you ?
No ; the present system in England is not working satisfactorily ; it is imperfect ; and General Cartwright and the other inspectors are very anxious about it ; there was a deputation the other day to Mr. Hardy upon the subject.

73. Can you state the total number of constables in Scotland to whom this would apply ?
Yes ; it is all summed up in the last paragraph of my report ; the total is 2,882 ; there are 1,021 in counties, and 1,861 in burghs.

74. Earl of *Airlie.*] Is not there this difficulty, which was pointed out just now by a noble Lord, in having a uniform system throughout the whole country, that the wear and tear in some cases is much greater than in others ; that 15 years' service in the case of a densely-peopled district, where there is a great deal of crime, may be much more severe upon a man than 30 years' service in a rural district, where there is comparatively little crime, and where the policeman has very little to do ?
Yes, but the men might take their chance of that, if they go into the service, which has the more severe work, or there might be a proportionate difference made in the superannuation ; that is certainly a case that needs consideration.

75. *Chairman.*] Without going into particulars, you are of opinion that it would be very advantageous to the public interests to provide a system of superannuation ?
That is what I mean. Without attempting to work it out, for it is a very difficult question, I think that there should be such a measure, and that the people who are accustomed to these matters, should be employed to draw up several plans, and then one should be decided on.

76. And you think, as far as the men in the force are concerned, that they would not object, with that object in view, to have a deduction of 2½ per cent. made from their salaries ?
As far as I can understand, I think they would not, if they knew there was a sufficient fund to keep it up. In Liverpool and Manchester, there are large sums which come in and keep the fund up. We have nothing of that sort to look to in Scotland. The men would require to know that this superannuation fund

would really be kept up hereafter. In the metropolitan force, when it was organised in this country, that was not sufficiently calculated. The superannuation fund was absorbed, and we have now to make a large grant to keep it up. The men would really require to know that it was going to be kept up.

77. Earl of *Airlie.*] How is it in Liverpool and Manchester; what are those large sums of money which you say come in there?
There are large sums of money of different kinds that drop in to that fund in those places.

78. In what way do they accrue?
I have not the details here, but when I was there the chief constable told me that they had sums coming in from the sale of old clothing, and from certain perquisites. These facts could be more easily laid before you by the heads of the police in Manchester and Liverpool, who would describe it better than I can; but they told me there were means of keeping up the funds.

79. Earl of *Lauderdale.*] Has it ever come under your notice that the police on service in towns suffer from their legs giving way, and from varicose veins, in consequence of walking upon the hard pavements, sooner than the men employed on duty in the country?
No, I have not found that to be the case. I have not inquired very particularly into that, but I find that in Edinburgh there are about the oldest men that are employed anywhere; they last wonderfully well, and they are longer in the service than others.

80. The reason I asked the question is, that I have frequently heard that the police in London very soon knock up from walking on the pavement?
We all find the difference when we come up from the country. I find myself that walking upon pavements does tell upon me; but I do not find that the men knock up from that, because in Edinburgh and Glasgow there are as old men walking upon the pavements as there are in the country. In fact, only about two years ago, I saw in Edinburgh a policeman who had been a policeman on the streets when the Battle of Waterloo was being fought.

81. Lord *Penrhyn.*] Was he part of the force that you returned as efficient?
No, he was superannuated, but he still did light duties. I told them that he should be considered as a pensioner, but he was able to do light duties in the office.

82. Lord *Colonsay.*] If your plan of a superannuation fund was established, you think they would have a more efficient set of men?
Yes, this man would have been away; they keep these men on, on half pay. I do not put them down as efficient. I put down that they have such men.

83. Earl of *Lauderdale.*] Are there many men in the Scotch police who have been in the army?
Yes, I find a good many, but I do not find that they stay very long. There are some very good men; those who are steady rise to be sergeants and officers.

84. Have they been non-commissioned officers?
Yes, in some cases.

85. A good many of them?
Yes, a good many of them.

86. Of course they are not received into the force unless they are discharged from the army with good characters?
They would not be taken otherwise, of course. Some come who have served 21 years in the army and got their pension; they are already up to 40 years of age, and that is rather old; but those men being in the public service, an exception may be made for them which would not be made for broken-down tradesmen of that age, who suddenly comes into the police service because he has nothing else to do.

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87. Have you ever noticed in the police any sailors, I mean men-of-war's men who have been in Her Majesty's service?

Very few; I thought there might be more of them in the seaport towns. I suggested that they would be very good men to deal with sailors, but there are very few indeed.

88. Many go into the fire brigade, I believe?

Yes, but very few go into the police.

89. Lord *Penrhyn.*] Could you give the Committee any calculation of the number of men leaving the force after short periods of service, as compared with the total number of men constituting the force?

No, I have not put the numbers together. I have brought up some of my papers from home. I put down the number of resignations in each county and burgh, and therefore it might be added up.

90. But you could not give, off-hand, any rough calculation of the number of men leaving with short periods of service in comparison with the total strength?

No; it varies very much; in some counties and burghs you have a very great change taking place, in others there is hardly any change. It depends much upon the strictness of the chief constable. When he is strict, he will not keep in men so readily as others who are less so.

91. Taking it altogether, you consider that the amount of resignation in that way is such as to impair considerably the efficiency of the force?

Yes; but I would observe that in a good many cases of dismissal the men are dismissed because they are quite careless about their duties; they do not care about staying. The dismissals and resignations are sometimes much the same.

92. Earl of *Airlie.*] I think you said that you had the materials for such a return, although you had not got it here?

Yes, I will send it in afterwards, I cannot give it now; I put them down in each county and burgh.

93. *Chairman.*] I did not understand you to say that you would be anxious that the widows should be provided for in the case of the death of the holder of a pension?

No; but I say that a great many men do look to that; I think it should be considered; I do not say that it is necessary, but a great many men, when they subscribe, do expect that, when they die, their widows will have some benefit from it.

94. Do you know how that is in the case of the Liverpool, Manchester, and metropolitan forces, in which you have mentioned in your report that there are superannuation funds?

No, I do not know exactly; you could easily get that information directly from the officers who have charge of those forces better than I could give it. I have been told these things verbally, and I do not like to state them, as you could get the fact from them more correctly than I could state it.

95. To go to another question; there is a general increase going on in the police force of Scotland; the force is increasing in most places year by year, is it not?

Yes, a little, not a great deal in the year; for instance, in the counties there are only 18 more this year than the year before, and in the burghs there is an increase of 60, but that is owing to a division in Glasgow, which was formerly not in the city, being put into it, so that in reality the increase in the year is only about 25.

96. When the police was first established, under the Act of 1847, their duties were very much circumscribed, compared with what they are now, were they not?

Yes, they have been a good deal increased since then.

97. A number of new statutes have been passed by which new duties have been imposed upon them?

Yes; several new duties have been imposed upon them.

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98. Have you had any complaints with regard to the extra duties, and the invidious character of the duties which have been imposed upon them in reference to prosecutions under the Public Houses Act?

It is generally unpopular, but it is a necessary duty.

99. Earl of *Airlie.*] It is unpopular in the force?

Yes, the men would rather not do it; it is a disagreeable duty, but I do not see that they have any right to complain of it, because it is very important that they should do it. In Glasgow and in Edinburgh there were great disputes as to the powers, as your Lordships may have heard. It was thought that they were going too far. In Edinburgh there was an alarm that they were to come into the New Club; we were there fully expecting them. I believe the wines in the cellars were removed; we were told that the police had the power of doing it; and in Glasgow they were accused of going too far under the Forbes Mackenzie Act. In some burghs they do not employ the police much on that duty.

100. I believe they did invade some clubs, did they not, in Edinburgh, or some institutions, at all events, that were called clubs?

Yes, what were called clubs.

101. Lord *Colonsay.*] Those were institutions formed for the purpose of evading the Forbes Mackenzie Act, were they not?

Yes.

102. *Chairman.*] I think you have stated in some of your reports, that there is an inconvenience in the number of different police systems which are established in Scotland; there is one system for a county and another for a small burgh, perhaps, within it?

Yes; I think it would be better if it was a uniform system; that is what I have endeavoured to get effected as far as possible, by recommending that the pay should be equalised both in burghs and counties; they want as good men in the one case as in the other. The present system brings together two or three different classes of men, some who are more efficient acting with others who are less efficient, and the consequence is that they do not work well together.

103. There are a number of small burghs that you have reported as having an inefficient police?

Yes; some of those I have reported as efficient in number and discipline, really are not very efficient; they would be much better amalgamated with the county; a small burgh cannot keep up a good police; a good many of the men are insufficiently trained; they are merely men picked up at random; they are not very efficient altogether.

104. The justices of the county have no jurisdiction, or very little jurisdiction, I think, within the bounds of a burgh?

No, only the magistrates of the burghs. Some burghs have no magistrates; they are merely police burghs under the new Act; they are under what are called Commissioners of Police.

105. Earl of *Lauderdale.*] The magistrates appoint their own constables, independently of the chief constable of the county, do they not?

Quite independently; they have a superintendent of their own in the burgh.

106. They appoint him themselves?

Yes, they are quite separate from the counties.

107. Earl of *Airlie.*] What remedy would you suggest for that state of things?

I think that it would be desirable that small burghs of a certain population should unite with the county, as 20 have done in the last 10 years.

108. Supposing they do not choose to unite, what step would you take?

It would be an unpopular step to compel them to do so.

109. *Chairman.*] When you report a police force as being inefficient, I think the Government refuse to give them their proportion of the pay?

Yes,

Yes, if it is a burgh of above 5,000 inhabitants, but to those small burghs which are under 5,000 inhabitants, I can do no harm.

110. Lord *Penrhyn.*] Why is that; do they not get any Government allowance?

No, they do not get it under the Act; it is limited.

111. *Chairman.*] So that they have an inducement already to become united with the counties?

Yes, because they can agree with the county for a certain sum. They do not get the Government allowance, but if they agree to join the county they pay three-fourths of the expense, and the county recovers the other fourth; so that in reality they benefit by it, and the amalgamation for police purposes is found to work very well, both in England and in Scotland, but we cannot compel them to unite if they prefer having their own police.

112. Lord *Colonsay.*] What do you think deters them from amalgamating?

They are afraid that if they unite with the county they will come under the magistrates of the county, and some of them think that they will come under the chief constable. Now I have explained to them that by the 74th section of this Act, uniting with the county will not interfere with their jurisdictions in the least; and I have told them that so far from being under the chief constable, the chief constable becomes their servant; but they have a great alarm of the county gentlemen and the chief constable; they think they will not get on very well together; but those 20 burghs which have joined the counties are very well pleased. The 74th section shows that they will not be interfered with. It says, "Nothing in this Act shall impair or diminish the powers or jurisdiction of the magistrates of any Royal or Parliamentary burgh, or any burgh of barony or regality, which may form part of any county or district under this Act." So that in reality they still retain all power and authority over these constables, although they belong to the counties. It is generally done cheaper by amalgamation. The counties generally make a liberal agreement with them; they have two or three men for the burgh, and they give them other men to assist them on market days. It is an advantage to a burgh to unite with the county, particularly where the head-quarters of the county police is situated in the burgh, but very often in Scotland though there is the staff of the chief constable and his office in the burgh, the burgh will have its own independent superintendent of police.

113. *Chairman.*] Some of these small burghs have only one or two men, I believe?

Yes, some have really no force at all.

114. In some cases they have no uniform, I think?

Sometimes they have an old blue coat. There is generally some officer and one or two men whom they have appointed, but very often there is not really a police force at all, and yet those burghs refuse to join the counties. Some have only one policeman.

115. Have you attended at all to the question of the character of the government which has the control over the whole of the force, I mean the local government, the commissioners of supply, and the police committees of the justices?

Yes.

116. Does it occur to you that any improvement might be made in the system under which they are governed; I refer to the county system?

Yes; but there is a great difference in the police committees, some attend very regularly once a quarter, or even once a month, but in other counties they hardly attend once a year; the chief constable can hardly get a meeting; it is very difficult to get a quorum of three, although there are 15 on the committee, and the sheriff and the Lord Lieutenant of the county. Sometimes two members of the committee come and beg the sheriff to make a third, and often they will say, the number is too small, and adjourn it to another meeting, and that is equally small, and then the business does not get on.

117. I think, in England, the whole system is under the magistrates?

Yes, it is under the Court of Quarter Sessions.

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118. In Scotland there are three or four different bodies, which have the same control as is given to the one body in England?
Yes.

119. Does not that tend rather to weaken it?
Yes; and then some committees get full powers from the Commissioners of Supply, and others get too little, and their powers are so limited, that when they meet they can do nothing except by going back to the Commissioners of Supply.

120. The Commissioners of Supply have no power of giving orders to the chief constable?
No; only the justices in quarter sessions assembled and the sheriff, and if there should be a difference of opinion with regard to the orders between the quarter sessions and the sheriff, the sheriff's decision holds good until it is reported to the Secretary of State.

121. In a Scotch county the persons who ought to know most about the management of the police are, I imagine, the police committee?
They are.

122. The justices of the peace in Scotland do not, as a general rule, perform any very important functions; they do not take any great charge of these matters?
There are petty sessions in some places, but in some neighbourhoods, where there are very few resident magistrates, there are hardly any. In some places, the petty sessions are held pretty regularly, but it depends upon the magistrates, who in some counties are not numerous, owing to the number of absentees.

123. But the police committee, who really have the management of the police affairs of the county, and are a selected body, have, under the statute, no power to give any orders, and that power is given to the justices of the peace?
Yes, and to the sheriff.

124. Earl of *Lauderdale.*] The police committee are generally all justices, are they not?
Generally, but not necessarily. In some counties they generally have only justices and the larger landed proprietors; in others they have smaller landed proprietors also.

125. *Chairman.*] And the chief constable, I think, is obliged to send reports to a number of different parties, to the police committee, and to the justices?
Yes, and to the sheriff.

126. And to the magistrates of the burghs?
Yes, quarterly; the Act says, "Every chief constable shall, when so required, make reports to the police committee, sheriff, and justices of the peace, and magistrates of burghs forming part of any county for the purposes of this Act, or consolidated therewith under this Act, of all matters which they shall respectively require of him concerning the police of the county or burgh respectively, and shall obey all lawful orders and warrants of the sheriff and justices in the execution of his duty." That is done, but then in some counties there is no meeting of the police committee to receive that report or to take notice of it.

127. The result of that is that there is a variety of different parties to whom the chief constable is in some respects responsible?
Yes.

128. Does not that rather weaken his power of acting?
They sometimes do not know exactly how to act when there are no members of the committee at hand or within reach; then if the chief constable is at head-quarters, and the sheriff is there, he is obliged to consult the sheriff; if the chairman of the police committee is at hand he asks him, but in some cases he may not be near the head quarters, and he may have no opportunity of seeing him: the result is that the chief constable is sometimes in a dilemma how

how to act in consequence of not having any one immediately to refer to to give him power.

129. Lord *Colonsay.*] How would you obviate that difficulty?

That is a difficult question, because in some districts there are so many absentees that it is difficult to refer to one of the justices; it is very useful to be able to have a resident sheriff to apply to, but if it is left entirely to him the justices have nothing to do with the management of it.

130. *Chairman.*] Do you think that there is much use in retaining the power of the justices under that clause of giving orders to the chief constable?

Yes, I think so, because it is referred afterwards to the Secretary of State, if there should be a difference of opinion; the commissioners of supply who pay and support the force expect that they should have some voice in the direction of it.

131. But the sheriff in Scotland is the party to whom people generally look in all these matters, is he not?

Very much so, and this Act gives him the power of deciding even against the quarter sessions, until the question is referred to the Secretary of State, and then the Secretary of State's opinion is to be final after he has inquired into it.

132. With reference to another point, you state in your report that in various counties there are detectives; do you classify the police; are there a certain number of persons, not in each force, but in several of the forces, whom you designate detectives?

Yes.

133. Are they part of the regular force under the chief constable, just the same as the other men?

Yes, and appointed by the chief constable. He generally appoints some intelligent man whom he thinks most suitable for that duty; I think my recommendation upon that point is of great importance. It should be done more generally than it is. In some counties they have none; they say they wish all the men to detect crime in their districts, but there may be men who are very good in one district, and who may be entirely useless at a distance, and if they are sent to Glasgow, or to Edinburgh they do not know what to do. Some counties have organised a system very well. In Ayrshire they have a man for each division of the county. The most intelligent man is picked out for the purpose; he may be a private, a serjeant, or an inspector; such a man is very useful, he is not taken off his beat. If you take an ordinary constable and send him away to detect crime, possibly at a distance, he has probably no experience and he does no good, whereas an experienced detective would generally do the work of a district or a county.

134. But a detective, when acting as a detective, is considered strictly subject to the orders of the chief constable?

Yes, and usually he has a uniform, and wears it, or plain clothes, according as he thinks necessary, when he goes to detect crime.

135. Is it not the case that sometimes the procurators fiscal who have to detect crime assume the right to give orders to the constable, independently of the chief constable?

Yes, they do; they send orders to them, and desire them to act upon their orders.

136. In that respect those detectives would not be, strictly speaking, under the orders of the chief constable during those times when they were so employed. If an offence has been committed, would the procurator fiscal not assume the right of desiring a detective to act in such and such a way independent of the chief constable?

The detectives are generally sent by the chief constable to the procurator fiscal; they call the man instead of a "detective" generally a criminal officer. In some of the counties he is attached to the procurator fiscal's office to carry out his warrants. It is a very good plan that instead of the procurator fiscal sending for a man now and then he should have an experienced good man of the

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the force at his disposal; the chief constable sends him one every day, and he acts for him, and if he wants another he has one.

137. That constable is, in fact, put at the disposal of the procurator fiscal?
Yes; he will be one of the most intelligent men in the force. That system works very well, and then the fees which would be given to the sheriff's officers for this work come into the commissioners of supply police fund. In some counties the procurators fiscal have a sheriff's officer of their own, whom they employ, and they employ him while the constabulary are inquiring into the same case.

138. Sometimes the procurator fiscal has a sheriff's officer of his own, whom he employs independently of the police?
Yes.

139. In that case there would be a collision, would there not?
Both would be doing the same work which might be done by one.

140. Earl of *Airlie.*] Have you ever heard any complaints of a procurator fiscal taking upon himself to give orders to the police without its going through the chief constable?
Yes; the police committees and the chief constables dislike it. They say the proper way would be, as is usual with most sheriffs and most procurators fiscal, to send to the chief constable's office to say, "I want a man for a warrant," and they have one instantly, but some do it without.

141. Lord *Penrhyn.*] Would the fees obtained by the procurator fiscal for the work for which the police are employed go to the commissioners of supply?
I suppose they would go to the county. The procurator fiscal accounts for all those fees. The point is, that he could get a man by sending to the chief constable's office; the chief constable would send a proper man directly; but now sometimes a man is sent away, and the chief constable does not know anything about it.

142. Earl of *Airlie.*] Then the complaints which have arisen have been as to the points of etiquette and form, rather than anything else?
Yes; where the parties are unknown to each other, there is a difficulty of that kind sometimes.

143. Lord *Colonsay.*] Those are exceptional cases, are they not?
Yes.

144. Earl of *Lauderdale.*] When a constable is sent by the head constable to obey the orders of the procurator fiscal, he still considers himself under the orders of the chief constable, does he not?
Yes; the chief constable has sent him.

145. And it is, I suppose, with the understanding that he does nothing contrary to the orders he has received from the chief constable without letting him know?
When the chief constable sends a man to the procurator fiscal, it is to execute the procurator fiscal's orders; he is placed at the disposal of the procurator fiscal, to carry out his warrant; that is an important use of the police.

146. *Chairman.*] When a constable has been sent by the chief constable to a procurator fiscal, of course it is meant that he should be subject to the orders of the procurator fiscal?
Yes.

147. But does not it occur sometimes that the procurator fiscal sends orders to constables upon some matters independently of any requisition that has been made by him to the chief constable?
Yes; some of them do. They say they have a right to send to a constable, and send him away from his beat, without letting the chief constable know. There are not very many, but there are such cases.

148. Lord *Colonsay.*] Those are the cases which you said were exceptional cases?
Yes; there are such cases, however.

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149. *Chairman.*] Can you suggest any way of doing away with that difficulty, and the chance of that collision occurring?

I think that a procurator fiscal should always send to the chief constable if he is at hand, or to the superintendent or the head of the county force where this procurator fiscal lives, to say that he wants a man, then he will get one immediately. The chief constable will send one man, or two men, or all his men if necessary; the object is to assist the procurator fiscal in detecting crime, but the chief constable, or his superintendent, or his serjeant, or whoever may be the chief man there, should know what men are employed in that way.

150. In England, I presume, the chief constable is responsible for any crime committed in the district?

Yes; he is the party responsible.

151. But in Scotland it is not the chief constable but the sheriff or the procurator fiscal?

The procurator fiscal is the sheriff's right-hand man.

152. The system of public prosecution in Scotland is very good, no doubt; but in that case are not their relations to the police of a character which is very liable to produce misunderstanding, unless some proper definition of the respective duties of both parties is arrived at?

I think that the position of a chief constable should be more defined; I think that both the chief constable and the procurator fiscal should know more precisely what their respective duties are. I remember when I was first appointed, I pointed out that suggestion to the Lord Advocate of the day; I think it would be very easily arranged that they should recognise and acknowledge each other; I think it might be done with great facility, without interfering with any present system; in fact, it is generally done, and there should be no exceptions.

153. Lord *Colonsay.*] You say it is generally done, but in some cases it is not?

Yes.

154. Might not a recommendation to the sheriff to instruct his procurator fiscal upon that subject accomplish all that is necessary?

I should think so; if the Lord Advocate or the Secretary of State, or whoever's province it is, did that, it might remove the difficulty.

155. Might not this case happen: a procurator fiscal, hearing of an offence committed in a more distant part of his county, starts off with one constable to make his investigation, and then being there, where there are only one or two constables, he finds it important to have the assistance of those men as well as the constable he takes with him; in that case he could not apply to the chief constable, could he?

No, certainly not.

156. It would not do to hamper him in such a case?

No; when he is close to where the chief constable is, he should not pass him by and send away a constable, as has been done again and again where they were in the same place; they have actually sent past the chief constable's office, and not communicated with him.

157. Lord *Penrhyn.*] Have you any return which will show at all the amount of detection, as compared with the amount of crimes reported to have been committed in Scotland?

Those returns are all transmitted annually to the Home Office through the Lord Advocate.

158. There is a statistical return of that sort made out, is there?

Yes; your Lordships could get that return; it is separate from mine; I thought it was unnecessary for me to copy the Lord Advocate's return, when you could get it; it is sent in on the 29th September always.

159. *Chairman.*] There are what are called reported and unreported cases, I think?

Yes.

160. What

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160. What you are now speaking of would only apply to reported cases?
Yes.

161. So that the great mass of cases which have, as I understand, been submitted to the procurator fiscal, would remain unknown altogether?
Yes; there are a number of those small cases.

162. Lord *Penrhyn.*] I meant the number of offences committed, in which there has been no detection of anybody, are all those included in any return?
No, I do not think the unreported cases are.

163. Suppose, for instance, an offence is committed; some of your officers go to inquire into it; they do not discover who did it, or anything more about it; would that appear in any return?
Yes, in the chief constable's annual return.

164. *Chairman.*] That would appear in no public return whatever?
No, except in the chief constable's return.

165. Lord *Colonsay.*] If a constable finds no trace of the offender, nor any means of detecting him, does he report it to the chief constable?
Yes, always.

166. Does the chief constable make any communication to the procurator fiscal upon the subject?
Yes, I understand that he does.

167. Then the procurator fiscal considers whether it shall be carried further or not?
Yes, a report is made to the procurator fiscal, and then it is afterwards reported to the Crown counsel, or not, as he thinks proper. The police report everything.

168. *Chairman.*] As I understand the point Lord Penrhyn referred to, the fact is this, that there are a number of cases which in England, for instance, would have been submitted to a magistrate, and upon which there would have been a public record made of some kind, but in Scotland those cases, being perhaps of a trifling kind, are brought before the procurator fiscal to a certain extent, as they might be brought before a magistrate in England, and he takes the examination, a precognition in private, and if he thinks the evidence is not sufficiently strong to justify him in carrying the case further, the thing disappears altogether, and the public is never acquainted with the fact of any case having been brought before the procurator fiscal; the thing is absolutely unknown?
The chief constables make reports annually, in which they put down all those cases that they have reported, those that they have taken up, those in which there were convictions, and those in which there were no proceedings.

169. Is every case which is brought before the procurator fiscal, and which is not carried further by him, reported in any public way, or recorded in any public way. Supposing some trifling case is brought up, and is reported to the procurator fiscal, but goes no further than that, will that case appear in the chief constable's return?
Yes; the chief constable's return will mention all the cases he has reported.

170. Earl of *Lauderdale.*] All duty that the police are employed upon for the detection of crime is always reported in the police journal to the police committee, and by them to the magistrates, and a report is made of all persons who are apprehended and let go again?
Yes; it is done generally quarterly.

171. That has nothing to do with the procurator fiscal?
No; it is quite apart from him; the chief constables keep a return of their own.

172. It is entirely independent of the procurator fiscal?
Yes.

173. *Chairman.*] Have you ever heard it complained of by the chief constables, that there is rather more writing required of the constables than is absolutely

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lutely necessary for the efficiency of the service, as compared with England, for instance?

No, I have never heard the chief constables complaining of it. Some of the constables think there is too much, and some of the committees have asked me if there is not too much. It is very difficult to say what is too much or too little. You must have a good deal of writing in making out those reports, otherwise you do not know what the men are doing. I think it might in some cases be alleviated and shortened. I think it is of great importance, however, that the men should be able to report, and that they should be well educated; that is a very important duty of the police; they must have a good deal of writing.

174. Earl of *Lauderdale.*] I suppose it must vary in different districts?
Yes.

175. And in a district where there is much crime, and much work for the police, I suppose there is a larger proportion of them to do it?
Yes.

176. That, I suppose, rests with you and the chief constables?
Yes.

177. If you thought the men were overworked, what would you do?
I should mention it, but I have not found that that is the case. I think it is of great importance that the men should write, and that part of their duty is generally very well done in Scotland.

178. *Chairman.*] Are you aware (I do not say whether it is good or bad) that a great deal more reporting is required from the police in Scotland in order to bring cases according to our system before the procurator fiscal than is required according to the more open system in England?
I believe there is more, but I do not know precisely to what extent, not having been acquainted with the office work in the English police. I do not think it is too much in Scotland. No doubt there is a good deal, but I think it would be dangerous to shorten it, or diminish it materially.

179. You are acquainted with clause 7 of the Police Act, giving power to appoint additional constables at the cost of private individuals?
Yes.

180. Have you heard of any trouble arising from discussions as to the propriety of appointing additional constables in certain places under that section?
Yes, I have heard it discussed and talked of.

181. The object of the clause is to enable the chief constables at the instance of private parties, and at the expense of private parties, to appoint additional constables to take care of their interests, I think?
Yes.

182. There is a similar power, I believe, in the English statute?
Yes; it is very convenient to be able to appoint them on railways and public works, and in many ways.

183. With regard to railways there is a separate Act, is there not?
Yes; a separate Act was passed for that purpose afterwards, but at first they began upon the 8th section of the Act of 1857, before the other Act passed.

184. Lord *Colonsay.*] The Act with regard to railways and public works passed about 1844, I think?
There was a supplementary one; I have the Act here; it is a very short Act, containing only three clauses.

185. What is the date of it?
1858.

186. That is a later one?
Yes; this was passed the year after the one we have been referring to; the object was to strengthen that 8th clause; it refers to railways and public works.

187. *Chairman.*]

187. *Chairman.*] I suppose that works very well?
It is a very good enactment.

188. But clause 7 in the Police Act is different?
Yes, that is more general; what is empowered there has been done for several private persons; there is one policeman at Balmoral. Lord Dalhousie has one at his place, and several other people have constables to look after property in their neighbourhood; they pay them, but the men are in county uniform.

189. Lord *Lyveden.*] Can any one have one who likes?
Yes; in terms of the 7th section.

190. Earl of *Airlie.*] But they are paid by the people who employ them; it forms no addition to the charge on the county?
No, the county does not pay them; the county has the benefit of the arrangement. It says in the Act, "it shall be lawful for the chief constable of any county, with the approval of the sheriff or of the justices of the county in general or quarter sessions assembled (if he shall think fit), on the application of any person or persons setting forth the necessity thereof, to appoint and cause to be sworn in any additional number of constables, at any place within the limits of authority, at the charge of the person or persons by whom the application shall be made, but subject to the orders of the chief constable, and for such time as he shall think fit." It is very useful to a county to have those men employed in that way.

191. Earl of *Lauderdale.*] Are those extra constables generally employed for detecting poachers?
In some cases. In Berwickshire they have several men during the shooting season, especially for that purpose, and they had at one time in Roxburghshire.

192. Were they employed on the river?
Yes, on the river too. The chief constables employ certain men in the four counties of Berwick, Roxburgh, Peebles, and Selkirk on the Tweed. In Dumfriesshire they employ men on the Solway, the Annan, and the Esk.

193. Lord *Penrhyn.*] Is there any limit to the description of duty which those men would be called upon to perform?
No, there is no limit. The Act says they may be appointed on an "application setting forth the necessity thereof."

194. *Chairman.*] There was some doubt, I think, was not there, at one time, as to whether this clause enabled persons to apply for additional constables for the preservation of game, or protecting game or fish?
Yes.

195. There was a doubt as to the legality under this section of the appointment of such men?
Yes, it was questioned. I never heard of any prosecutions under it, or of a case being tried.

196. The Tweed commissioners apply annually, I think, to the county of Roxburgh and three other counties?
Yes, to the four counties, Berwick, Roxburgh, Peebles, and Selkirk.

197. They have a considerable force in those southern counties for the preservation of salmon, have they not?
Yes, it is all mentioned in my report. There are eight in Roxburghshire and ten in Selkirkshire.

198. Earl of *Airlie.*] But that force is paid by the Tweed commissioners, and not out of the county rate?
It is entirely paid by the Tweed commissioners; it does not cost the county a farthing. The county have the benefit of those men. If anything was going on they could be called upon to assist the rest of the police. They wear the county uniform. They do not get a fourth part of the pay of those men from Government; they pay the full price for them.

199. *Chairman.*] Do you think it desirable or otherwise that the police of the county should be amalgamated, as it were, with those additional constables, and that

that they should become, as a whole body, responsible for the carrying out of such laws as the Tweed Fisheries Act and the Game Acts?

I think it is best that the county should keep their men for general police purposes, and that these men should be added to them, and that the two sets of men should work together completely. I do not think they should be kept separate. I would not have those extra men marked in a different way, or known to the public in a different way from the others. I think that is of great consequence.

200. I think the whole body of the county police are amalgamated as it were with those additional constables; they all act as one force, and the whole are therefore responsible for the enforcement of those laws?

Yes; the chief constable, I think, should have the power of directing a separation if necessary; supposing he found that the county business was being too much interfered with, by the men having to do those other duties; he should be allowed to employ as many as he could afford on those duties; I think I would place them under the chief constable to carry out the two duties in the best way in which it could be done, and let him amalgamate them as far as he thinks fit.

201. Do you think that it is desirable that all the county force should be employed upon that kind of duty, which is certainly a very invidious one, and certainly also in some parts of the country very unpopular?

Poaching is a crime and leads to other serious crimes, and I think the present arrangement works very well so far as it goes; the only fault is that the body of men is rather weak, but it is impossible to avoid that, they cannot afford to have more men.

202. Earl of *Airlie.*] But, as I understand you, at present it is only those police who are paid by the Tweed commissioners who are employed in the preservation of fish?

Yes, but the others should asssit them.

203. You think they ought to assist them, but do they assist them?

Yes, they work very well together in those four counties.

204. Lord *Penrhyn.*] Take the case of a private constable who is under your directions, and forms part of a county force, but is employed for the preservation of game; supposing that that man, from information he received, found that he would not be able to cope with a gang of poachers coming to attack the game preserves of the person who was employing him, should you employ the rest of the county force to assist that man?

I think any men who might be in the neighbourhood, and disposable, should come to his assistance, because you cannot expect a man to perform duties like that without assistance, if he can get it.

205. Earl of *Airlie.*] If that is so, are not the ratepayers of the county contributing to the preservation of the game of a private person?

Yes, to a certain extent, in a case of that kind, but at another time the county would have the benefit of those men who are employed by individuals. They play into each other's hands, they help one another, and the arrangement is of great importance to both parties.

206. Earl of *Lauderdale.*] If poaching is a crime by law, are not the police properly employed in putting it down, particularly if they are paid extra for that purpose?

The police are obliged to attend to everything against the law, but if they had all the duty against poachers to do, it might be necessary to increase the force.

207. I am supposing that there are extra men employed for that purpose. The police, if employed in conjunction with extra men paid privately, are properly employed in detecting those poachers, if poaching is contrary to law, are they not?

Yes, I think they should assist.

208. Earl of *Airlie.*] Take this case. Supposing I have large game preserves, and I employ one policeman whom I take into my pay, am I therefore to be entitled

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entitled to call upon the whole staff of police of the county, or a large portion of them, to assist that policeman in the preservation of my game in case he should not be able to resist the poachers single-handed?

That is an extreme case. I think the chief constable, if he were applied to in such a case, would send you such assistance as he could, not the whole county force, but such men as he could spare.

209. A large part of it?

Yes, such men as he could spare. If the men were scattered he would not be able to give you much help, but he would give what help he could.

210. Might not that lead to this, if it were systematically carried out, that a person preserving game would find it the cheapest plan to take one policeman into his employ, and pay him, knowing that he would be backed if necessary by a great portion of the county police force, and to dismiss a great many of his staff of keepers, and in that way the county ratepayers would be made to pay for preserving that man's game?

If such a case arose, it would require to be met in some way. But that is taking an extreme case which I am not prepared for. It would be possible of course in such a case not to let the police be used in that way.

211. Lord *Lyveden.*] How far would you employ the police in the preservation of game; do you mean that you would allow them to go out with the gamekeepers to watch, and go through the usual operations of keepers?

No, but merely if the keepers came and said that they expected men were poaching, and that they required men to assist in searching them or taking up men in possession of game, the police should go and do so.

212. Upon the grounds of the proprietor?

Yes.

213. You would go as far as that; they should go out with the keepers for the preservation of game upon the grounds of the proprietor?

They should not do so unless the keepers said that there were men in possession of game, or that they believed that there were people shooting game.

214. In England when the police are employed, it is generally confined to villages or places where the poachers reside, to watch the men coming in, or taking away game to sell; do you mean that you would go further than that, and allow them actually to serve with the keepers of any gentleman who chose to employ them in watching his grounds?

No, I think not in watching the grounds, but if the keepers came and said, "Here are men in possession of game, will you come and assist in searching them;" that might be done. You could not of course have the men out watching at night unless you had extra men for that purpose. In Berwickshire they have some extra men during the shooting season.

215. Do you think that the ratepayers or the persons who contributed to the wages of those policemen would make no objection to that?

I think they would if the police were required frequently in that way. The chief constable should have it in his power to give assistance or not. He could not be expected, with a small force, to have too much duty to perform. He should give such assistance to such persons as his strength would admit of.

216. Earl of *Airlie.*] Do you not know that the ratepayers have objected; that very strong objections have been raised by the chambers of agriculture and other bodies of that kind, to the employment of the police in the preservation of game?

Yes; but the police have been unpopular in many other ways, in consequence of new duties which have been imposed upon them in connection with the public-houses, and many other things, as to which new powers were given them. I remember being in London when the Metropolitan Police Force was established; it was very unpopular at the moment, and many people predicted that it could not stand, but now we see that it has enormously increased.

217. You do not know that they complain of it as being unfair that they should be rated for the maintenance of police who are employed in the preservation of game?

Yes; I am aware that such a complaint is made, and I think with justice, but

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but if poaching is a crime, one can hardly allow the police to shut their eyes to it.

218. Might it not be well to limit the duties of the police to dealing with night poaching, which is a grave offence in the eye of the law?

Yes; that is a serious offence, but then, if you take the police out by night, you require more men. If they have to perform night duty as well as day duty, you require an extra force. I am aware of these difficulties about poaching, but I think it is possible to meet them.

219. *Chairman.*] The question of the preservation of game in the Tweed and its tributaries is a peculiar one, inasmuch as the Tweed commissioners are a body having Parliamentary powers to employ police of their own at their option?

Yes.

220. As the case now stands, it is this, I believe; the Tweed commisssioners apply to each county, to beg the county to assume the command, as it were, of those particular Tweed bailiffs?

Yes.

221. And having done so, those Tweed bailiffs become amalgamated with the county force?

Yes.

222. That case, I think, is a peculiar one; have you considered that point with respect to the applications of the Tweed commissioners to the chief constables of the various counties, begging the chief constables to take the command of the bailiffs of the Tweed commissioners?

Yes, I am quite aware of it. I think, considering the amount of duty to be performed, it would be better if there were more men; the number is rather limited, but the Tweed commissioners cannot afford it. I believe the number of police is occasionally increased, and the results are satisfactory. It has not put an end to poaching, but a great number of poachers have been convicted, fined, and imprisoned; they are not allowed to poach now with impunity.

223. Is not it rather hard upon the county police, and upon the ratepayers of the counties, if the Tweed commissioners employ and pay an insufficient number of men to suppress poaching, that they should be held responsible for the suppression of these Tweed offences?

Yes, it is an experiment; it has gone on only for the last three or four years. It is working satisfactorily at present, but if it was found that those men were not sufficient, and that the county police were taking too much of the work, you might throw off the connection.

224. I think that in Roxburghshire there are eight constables employed by the Tweed commissioners, and by the Esk and Liddesdale Fishery Association?

Yes, there are eight regular men employed. At one time there were a great many temporary men, mere bailiffs, put into old police uniforms, but that was not found to work well. The men merely took their wages for the time, and did not give themselves up to it. There are several men now employed all the year round, and they are made responsible for it. There is a greater degree of responsibility upon them, and if they do not do their duty they are dismissed. There are eight constables employed permanently by the Tweed commissioners and by the Esk and Liddesdale Fishery Association for the protection of salmon; 98 persons were convicted under the Tweed Acts; that shows that the poaching cannot be carried on with impunity. It is not put an end to, but the police are doing their duty.

225. Have you ever had the curiosity to reckon the number of miles of water that ought to be watched, in order thoroughly to protect the rivers from poachers?

No, I know that it is very great.

226. Should you be surprised to hear that in Roxburghshire alone, where there are eight constables paid for by the Tweed commissioners and the Esk and Liddesdale Fishery Association, the mileage of water to be watched is something upwards of 100 miles?

In

In some of these streams the salmon can only be got at particular moments. In consequence of that, there are men sent there every spawning season to protect them, but it is impossible to put a man on every mile.

227. Therefore the suppression of poaching with such a force is out of the question?
Undoubtedly it has not altogether put it down, but it certainly is correcting it to a certain extent. I suppose it never will be put down altogether, any more than common offences will be put down in London with 7,000 police. The police do their duty, and although they do not quite put an end to crime, they put down a great deal and detect those that do it, and prevent crime being committed to a great extent.

228. Lord *Colonsay.*] When an appointment of additional constables is made under this 7th section, the section bears that it shall be done by the chief constable, with the approval of the sheriff or the "justices of the county in general or quarter sessions assembled, on the application of any person or persons setting forth the necessity thereof." What sort of statement do you receive from the persons making these applications as a statement of the necessity for the appointment of constables?
That does not come before me.

229. You do not know what is done in practice?
No; the sheriff takes the responsibility of it.

230. It is the sheriff who does the thing?
Yes.

231. And you do not know the way in which it is done practically?
No.

232. Are you aware whether, having once made such an order, if it is found that the parties are abusing it in the use that is made of the constables, there is any power to withdraw it; do you know how the Act is construed in that respect?
No; some people have withdrawn them, because they did not like to continue the expense.

233. I was not asking about the parties themselves wishing to give them up, but about the withdrawal of the order; I suppose if the chief constable was of opinion that an improper use was being made of the men, he would withdraw them, because the section says "for such time as the chief constable thinks fit"?
Yes; but in reality it is the person who pays who terminates it. When a person says, "I do not want the man any more; I shall stop the payment for him," the man is withdrawn.

234. Supposing he says that he is willing to continue the payment, but the chief constable thinks, "It is not well that the men should be employed in that way; I will withdraw them"; have you had any case of that kind?
I never heard of such a case.

235. *Chairman.*] It is provided for at the end of that clause, is it not?
It is so.

236. Lord *Colonsay.*] No; that is for the person who applied for the appointment of the police to discontinue it?
Yes; I never heard of any case such as your Lordship put.

237. Lord *Penrhyn.*] You have not found, practically, that people have called upon the county police force to assist them in the preservation of game in a way which you think detrimental to the public interest?
No, I never heard of it. A great many people object to the police having anything at all to do with it, but I never heard of its doing any harm, or taking up their time too much.

238. Earl of *Lauderdale.*] The preservation of game has nothing to do with the proprietor, has it; poaching is a fraud upon the Exchequer, because it is killing game without a license?
That is one thing; it is also contrary to the law; it is a trespass.

239. It is killing and selling game without a license, and the police are employed principally in detecting that, are they not?

Yes; they do not interfere unless they are called upon in some particular case.

240. From information given to them?
Yes.

241. *Chairman.*] There are 10 men employed in Argyleshire, by the Board of British Fishery; are those men appointed under this clause?
They are just given up. My report of this year says that they have withdrawn them, because trawling has now been made legal, and therefore the Board of Fishery have taken off all except one man. I got this information the other day: "The force for the protection of herring fishing in Loch Fyne has now been reduced to one man, a serjeant, 'trawling' for herrings having recently been legalised."

242. But they were appointed under the 7th clause?
Yes, the men were appointed under the 7th section of the Act of 1857.

243. Lord *Colonsay.*] Upon the application of the Fishery Board?
Yes.

244. That is a public body?
Yes.

245. *Chairman.*] And the same is the case at Pulteney Town, near Wick; there are a number of men appointed under the British Fisheries Society, I think?
They constitute a burgh. There were some men at Pulteney Town, but now that burgh claims the right to maintain its own police. I do not think they have that right; it is now disputed in law. The force of the burgh consists of one chief officer as he is called, and two constables, but they have no magistrates at their head, and the policemen are of very little use without magistrates; the consequence is, that the county are patrolling the towns of Wick and Pulteney Town, and claim the entire jurisdiction there. It is an important place.

The Witness is directed to withdraw.

CAPTAIN JAMES YOUNG, is called in; and Examined, as follows:

Captain *J. Young.*

246. *Chairman.*] You are the Chief Constable of Ayrshire, I think?
Yes.

247. You have of course paid great attention to all the questions that you have heard put to Colonel Kinloch?
Yes, I have.

248. Before you were appointed to be chief constable in Ayrshire, you had a good deal of experience in England, I believe?
Yes; I served for six years in Essex, and the greater part of that time as deputy chief constable; up till the beginning of 1855.

249. We will go to the question of superannuation first; I suppose in Essex there was a superannuation fund in existence, was there not?
There was; there had been a superannuation fund in existence since the time of the passing of the Act that authorised the formation of a superannuation fund, which is now a good while ago. It was about the year 1840 or 1841, that that Act was passed.

250. Did that give superannuation to officers after a certain period of service during their own lives, or was it during the lives of their widows too; was there some money paid to their widows as well as themselves?
It provides for both cases; it provides for the case of a grant of an annuity to a surviving constable after certain specified periods of service and at certain rates applicable to those periods, and it also provides for the payment of a gratuity to the widow or heirs of a deceased constable.

251. The fund was, I suppose, partly made up from stoppages upon the salaries of the men?
Yes.

252. And partly from some public source?

Partly from stoppages from the wages of the men, and partly from some other sources, all of which are specified in the Statute. The Act under which the superannuation fund in the county police forces in England is established is the 3 & 4 Vict. c. 88, and the sources from which the fund is made up are, first a deduction from the pay of every constable "not being a greater sum than 2*l.* 10*s.* in 100*l.*" (that is to say, 2½ per cent.), "and also the monies accruing from stoppages from any of the said constables during sickness, and fines imposed on any of the said constables for misconduct, and from any portion of the fines" which the convicting justices may, in certain cases, direct to be appropriated to the fund, and all monies arising from the sale of cast police clothing, that is, worn-out police clothing, and from the half of the fines in all cases where police constables are informers, that is to say, where the proceedings are taken upon the information of a police constable. In ordinary cases, half of the fine would go to the informer. Under this Act it is directed that in these cases that moiety shall go to the superannuation fund.

253. From all those sources you made up a sum equivalent to the 2½ per cent.; you almost doubled, I suppose, the sum obtained by stoppages from the police?

Not quite, but it was a very considerable contribution.

254. Sufficient to make a respectable sum?

Yes; the fund in Essex was very large. It amounted to several thousands of pounds (I forget the exact figures) before any call whatever was made upon it.

255. This fund is subject to variations, is it not?

Yes.

256. And the annuity to be paid to persons after they have retired may be greater or may be less if this fund is subject to fluctuations?

Yes, of course it is subject to that. In counties where the police force has been established more recently, the pressure upon the fund is greater than in others. The Act under which the police in England was first established was permissive, and consequently the Act establishing the superannuation fund was permissive also, though the superannuation fund was compulsory in all counties where the police were introduced. But the Act for the amendment of the police system in England made it compulsory in all the counties. Up to 1856 and 1857 many counties in England had no police, and then all counties having been obliged to adopt a police, and also to have a superannuation fund to provide for the superannuation of constables, those which were the last to introduce a police force having naturally got the services of a large number of experienced men from other counties, they have become burdened with the superannuation of men who have served perhaps only part of their time in those counties; consequently, I believe that in those counties in particular the pressure upon the fund is very great. I know that the state of the superannuation fund is considered very precarious in the English police forces at present.

257. Do you set much store upon the establishment of a superannuation fund?

Very much indeed.

258. Have you observed the disadvantage of having nothing of the kind in Scotland?

Yes; it is quite apparent to any one who has to do with the practical working out of the police system. There is a want of the attractiveness of the superannuation fund; and this prevents the same class of men applying for appointments who would apply if there were a superannuation fund; besides which the want of a superannuation fund prevents men generally from looking upon the service as the business of their lives, and devoting themselves to it, without which a man's services are really of little use.

259. Earl of *Airlie.*] You consider, then, that in Essex, where they had a superannuation fund, the police were more efficient than in Ayrshire, where they have not a superannuation fund?

I should not like to say that.

260. *Chairman.*] But you think they would be more efficient in Ayrshire if they had a superannuation fund?

I do not think they were more efficient in Essex, but I think that the county of Essex had more hold upon the men after it had made them efficient. I look upon the appointment of a constable very much in the light of an investment on the part of the public, because the money that is paid to him for a good while is only for the purpose of teaching him his work. The interest the public have in the investment is, that they get work out of him after he has become an experienced constable. In that way the superannuation fund operates most powerfully.

261. You consider that you can get more experienced men by establishing a superannuation fund than by raising the rate of pay, or by having a graduated rate of pay, according to the term of service and the experience of the officers?

All of those systems have a certain effect, but all such expedients, both a graduated scale of pay, and even that which I have induced my own county to introduce, name, lay system of giving an increased pay under the name of "good service pay," after a certain period of service, without reference to graduation of classes, are merely make-shifts, and cannot make up for the want of a superannuation fund.

262. Is the rate of pay higher in Ayrshire or lower, or about the same as in Essex?

It is about the average. Ayrshire has the second largest county police force in Scotland, and we have more opportunities, certainly, of rewarding good men than they can have in very small forces, which some of the county forces are.

263. Lord *Penrhyn.*] I suppose the necessary pay of the force would depend, to a certain extent, upon the average rate of wages in the county, would it not?

It does very much; for instance, at present, when trade is dull, and when the rate of wages is rather lower than it was a year or a year and a half ago, there is an opportunity of making a much better selection of constables. I speak from my own experience.

264. In districts where the rate of wages is higher, the counties necessarily have to pay more to get policemen than the other counties, have they not?

Yes; there are great local differences.

265. Earl of *Airlie.*] Would you make it compulsory to establish a superannuation fund in Scotland, as it is in England?

Yes; I think it is necessary that, if it is established at all, it should be compulsory.

266. Have you any notion of a plan for meeting that difficulty which is felt in the English counties now, of the large number of men who come upon the superannuation fund, without having perhaps given a fair amount of service to the county?

I think it is very reasonable that the Government should be expected to make a contribution out of the public funds, that is to say, out of the Consolidated Fund; because the police may now be looked upon as an established branch of the public service, and I think it is hardly fair that the probable deficiency in a superannuation fund should be left to be made up entirely by the contributions of the local ratepayers.

267. In England is the pension given after a certain term of service, or when a man has attained a certain age?

In both ways. He cannot get a superannuation allowance until he is 60 years of age, unless he is certified to be, from infirmity of mind or body, incapable of performing the duties of his office, and then, either in case of infirmity or his being above the limit of age, there comes into operation a graduated scale of superannuation allowance.

268. Is it graduated upon consideration of the number of years during which he has served?

Precisely. I can give it in a very few words from the Act: "If he shall have served

served with diligence and fidelity for 15 years, and less than 20 years," he may have "an annual sum not more than half his pay; if for 20 years or upwards, an annual sum not more than two-thirds of his pay."

269. Then if he has served for less than 15 years is he entitled to no pension?
No; he can receive nothing.

270. Lord *Lyveden.*] He may have one upon illness or inability to serve before that, may he not?
No.

271. Not before 15 years' service?
No.

272. Is that the English Act you have there?
Yes, this is the English Act. I beg your Lordship's pardon, I find I am wrong. In the new Act, the 19 & 20 Vict. c. 69, there is a provision for a case of that sort. I cannot speak of this from my own experience, because I was not connected with the police in England after 1855, and this Act was passed in 1856.

273. Earl of *Lauderdale.*] If he is disabled, and has not served 15 years, he gets a proportion; he gets a gratuity of some sort?
He gets a gratuity, not a pension.

274. Earl of *Airlie.*] I understood you to say, that even supposing he has passed the limit of age, namely 60 years of age, he gets nothing unless he has served for a term of 15 years?
No.

275. What is the limit of age for entering the service?
Thirty-five years in Scotland now.

276. *Chairman.*] Do you think the police constables would be ready to give 2½ per per cent. out of their salaries to establish a superannuation fund?
Yes, I am sure there is a very general feeling of that kind. I believe there is not only a willingness, but an anxiety on the part of the police to contribute to a voluntary benefit fund. I know that in my own county the police are anxious to see even such an expedient as that adopted. For my own part I have always seen difficulties in the way of it. I think it would be very apt to interfere with the necessary exercise of discipline, and to lead to questions being raised.

277. Earl of *Lauderdale.*] Would that deduction be sufficient to raise a superannuation fund in a small force?
I think not.

278. *Chairman.*] Are there any other sources in Scotland, such as you named as being available in England, from which you might make contributions to the superannuation fund?
No; in fact many of the sources that are specified in the English Act are not available in Scotland. Take, for instance, the moiety of fines to police constables who are informers. Now, under the system of public prosecution, the police are not informers in that sense, the prosecutions being at the instance of the procurator fiscal. The other sources would be available, but that is a considerable source in England; for instance, in the English counties, where the police very generally carry out the Weights and Measures Act, the half of all fines under that Act goes to the superannuation fund.

279. Earl of *Airlie.*] Do you think that if the police were thoroughly efficient, you could reduce the number, and so save in any way the extra cost by that means?
That is entirely a local question; it depends entirely upon the circumstances of the locality to be dealt with. It is not possible to give a general answer to the question. So far as my observation leads me to form an opinion, the police in Scotland is certainly not more than sufficient for its duties at present. I think that in connection with that question, I might say that if there were in Scotland a means of enrolling local constables, there might be a saving of police in some quiet rural districts.

280. *Chairman.*] You mean enrolling them for the purpose of being called out only in case of necessity, I suppose?
Yes.

281. And without pay, except at the moment when they are required?
Yes; to be paid either an annual retaining fee, or according to a specified scale of fees when called upon to act.

282. Earl of *Airlie.*] Then as regards the cost, with the exception of this deduction of 2½ per cent. from the wages of the police, almost the whole of the additional burden, as I understand you, of the superannuation fund would fall upon the ratepayers?
Yes; if it were regulated in the same way as in England, and if no contribution were made from the Consolidated Fund.

283. Earl of *Lauderdale.*] I think you said that you thought that part of it ought to be borne by the county?
Yes, I think it is only just that this should be the case.

284. *Chairman.*] Do you think that the ratepayers would be likely to object to giving anything for that purpose?
I think not.

285. Lord *Penrhyn.*] Do you think that the deduction of 2½ per cent. would operate in any way as creating a demand for a higher rate of pay?
I think not, now that the scale of pay has been raised. The minimum was raised about two years ago by the Government regulations, and I think it is now sufficient.

286. Earl of *Airlie.*] Did you find, in Essex, when a deduction was made of 2½ per cent., that there was a demand for an increased rate of pay?
No, there was not; I never heard the deduction complained of.

287. Lord *Colonsay.*] Do any of the constables belong to any benefit societies, or are there any means of that kind of obtaining a provision for their families?
That is not generally entered into; I think it might be more than it is; I have myself recommended it.

288. The benefit societies do admit such persons, do they not?
They do; and I have taken occasion to recommend constables to take advantage of such means as that, and more particularly of the Post Office Savings Banks. But there is a feeling of expectation amongst the police in Scotland, and has been for some time, regarding a superannuation fund. Many counties have given deliverances upon the subject. My own county has expressed its sense of the importance of the establishment of a superannuation fund. It has been very much thought of and spoken of amongst the police, and altogether there is a very strong desire for the establishment of such a fund.

289. *Chairman.*] You would desire to make it not a separate system for each county, but a general system for Scotland?
I should prefer a separate system, had we not so many small counties; but I am afraid that, with regard to the smaller counties at any rate, a separate system is not practicable.

290. Earl of *Airlie.*] Would you have the superannuation fund applied as in England, as a provision for the widows of police as well as in the way of an annuity for the police themselves?
Yes; but I should be inclined to require rather more service from constables. I think 15 years is rather too little.

291. Did you find, when you were in Essex, that there was any objection on the part of the unmarried men to contribute to a fund, a considerable part of which went to maintain the widows of the married men?
No, I did not find that; I found that men looked upon it very much as an investment, and I have known some very striking instances of men considering very seriously the stake that they held in the superannuation fund, when it

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became a question with them whether they should accept some other appointment which had been offered to them. That showed the practical effect of the fund as well as anything.

292. *Chairman.*] You think it is generally desirable to retain the services of men who have been in the service for some time?

I think it is very desirable to retain the services of experienced men, so long as they are capable of discharging their duties with efficiency, and it is equally desirable for the public interest that there should be a means of providing for those men on their discharge after they have become infirm.

293. Lord *Colonsay.*] Did I understand you correctly as saying, with reference to the provision for the widows in Essex, that it was not an annuity to them, but a gratuity; a capital sum paid to them?

It is a gratuity to the widow, and I would not recommend any other payment to the widow than a gratuity.

294. Earl of *Airlie.*] Is a policeman in England entitled to a pension after 15 years' service?

Not absolutely in any case. That is provided in the Act, and it is quite necessary that it should be so.

295. Will you explain what you mean by saying that he is not entitled absolutely; you mean, I presume, that if his conduct has not been good, or if there is any objection of that kind, he is not entitled to it?

Yes, or he might get himself injured through recklessness in the discharge of his duty.

296. There is no limit of age, if he has served 15 years his age does not disqualify him, does it?

The provision as to infirmity comes in, in that case. He must have served for 15 years, and must either be infirm, or 60 years of age.

297. What term of service entitles him to a pension, supposing his conduct to be good, and supposing there to be no other objection before he reaches 60 years of age?

Under this special clause in the new Act of the 19 & 20 Vict. c. 69, there is a provision for payment in certain cases, where the magistrates shall think fit, of a gratuity to a man for his service.

298. What I meant to say was, does not a longer term of service, say, of 20 or 25 years, entitle him to a pension, irrespective of the age which he may have attained?

No; no period of service absolutely entitles him to a pension, whether he is infirm or 60 years of age.

299. *Chairman.*] The chief constables, I think, have absolute power of dismissal of the constables under them, have they not?

Yes.

300. Earl of *Lauderdale.*] I think you said that 15 years' service was rather short, how long would you say?

I think I should be inclined to exact 20 years' service. If 20 years' service were exacted, I think it would operate as a check upon the appointment of men who are getting old.

301. Then, probably, you think 18 would be very fair and moderate?

Yes, 18 would be a very good compromise between 15 and 20.

302. You think 15 years rather a short term of service?

Yes, I think it is rather apt to lead to men being appointed to the force who are too near the limit of age; judging from my experience, the best age for appointment to be a county constable is from 20 to 25; at that age a man is more likely to make the service the business of his life than afterwards; I myself almost never appoint a man above 30, and I much prefer to appoint men who are under 25.

303. *Chairman.*] The same rule applies to chief constables in England with regard to superannuations as to the inferior officers, does it not?

Yes,

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Yes, under the new Act it does; in the Act which established the superannuation fund first, there was no provision for the payment of superannuation allowances to chief constables, but there is in the new Act. I may also say that in the Scotch Act there is a provision for the payment of gratuities, and it applies also to chief constables, but wholly out of the police rate.

304. Lord *Penrhyn.*] Can you give the Committee any suggestions as to any improvements of the superannuation fund; I think you said that when the Essex fund was first established it worked very well, because the men were all young men just appointed, and the superannuation fund was, to a certain extent, relieved by other counties coming in to adopt a police force, by which means you got rid of some of your men who would otherwise have been upon the Essex superannuation fund?

I do not know how far that may have operated to the advantage of Essex, because I had left Essex before it took place.

305. I understood you to say generally that those counties which had adopted the police force under the Permissive Act were relieved, because their men went to the counties who subsequently adopted a police force under the Compulsory Act?

Yes, and they had the advantage of having accumulated a considerable fund under the Permissive Act.

306. I understood you to say that you had heard that in other counties the superannuation fund was rather failing?

Yes, I have heard that, but I have not got any particular information.

307. You could not give any particulars as to the cause, or any statistics in reference to it, to the Committee?

No, I am not in a position to do so

308. Can you make any suggestions as to an improvement of the system of the superannuation fund?

My suggestions go rather to providing the same advantages for Scotland as the police have in England; I think we should be in a much better position in Scotland, if we had even the apparently defective English system.

309. Earl of *Airlie.*] Can you tell us what was the average annual amount paid in Essex for superannuations, when you were in charge of the police there?

I cannot recollect the figures; I should not like to give the figures from memory.

The Witness is directed to withdraw.

[Adjourned.]

Die Martis, 26° *Maii*, 1868.

LORDS PRESENT:

Earl of MORTON.	Lord CLINTON.
Earl of LAUDERDALE.	Lord ELPHINSTONE.
Earl of AIRLIE.	Lord OXENFOORD.
Earl of MINTO.	Lord PENRHYN.
Earl of MORLEY.	Lord COLONSAY.
Earl of CAMPERDOWN.	

THE EARL OF MINTO, IN THE CHAIR.

COLONEL JOHN KINLOCH, is called in; and further Examined, as follows:

310. *Chairman.*] Is there anything you wish to explain or add to the statement which you made before the Committee last week?

You asked me, my Lord, as to the superannuation fund, and I said that I did not recommend any particular system as regards the superannuation fund and retiring allowance. There will be so many plans laid before you, that your Lordships will be better able to judge what will be best than any particular plan which I could give. It is a very difficult question, and I could not enter into precise details as to how it should be done.

311. On the last occasion that you were before the Committee, you handed in a report of this year?

I did.

312. I have not been able to read it, but I think there are two or three things which it is desirable that you should explain, and one is, as to the establishment of a Police Gazette, which you recommend?

I do.

313. You recommended it in former reports also, did you not?

I did.

314. You recommended it more strongly in the last report than you had previously done?

Yes, I did.

315. Why do you desire to have a Police Gazette established?

There is one in England and one in Ireland; and they are found very useful. Information of crimes and offences should be published and sent to all the police forces, the procurator fiscals, and all others connected with crime in the country. It makes such matters more generally known; some of the smaller police forces not having men enough, have not the means of writing everywhere to give the information.

316. Lord *Penrhyn.*] Are descriptions given of the persons who commit the offences?

Where the descriptions are known, they are given.

317. Lord *Oxenfoord.*] It is a hue and cry?

Yes, some cases are not reported fast enough. The police have not time enough or a sufficient staff in the office to write to every place.

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318. *Chairman.*] Are the Gazettes maintained at the expense of the Government?

I think they should be. They should not be sold, for if they were, the offenders would buy them too. It ought only to be sent to the police. I would follow the same system as that adopted in England.

319. Is it paid for out of the rates?

I do not know how it is paid for.

320. You propose that it should be published in Edinburgh?

Yes; in Edinburgh.

321. Earl of *Airlie.*] You mean it should be printed in Edinburgh?

Yes; in Edinburgh. I have also thought that at the office of the "Police Gazette," there should be a few detectives who understand their business, so that when they get information they might telegraph, or send such particulars as would lead to detection.

322. They should be employed at the office of the "Gazette?"

Yes; they might be able to give warning immediately on receiving information. I mentioned in my reports that a few detectives should be kept at the public expense to go and assist in local cases. I think a Police Gazette might have a small staff of detectives in connection with it.

323. Lord *Clinton.*] They should be in addition to the force?

Yes; and they should be maintained at the public expense. At the time of the Fenian movement it might have been very useful to have had such men to have telegraphed or sent information.

324. Lord *Penrhyn.*] Even if the charge was not made upon the Consolidated Fund, it might be made in a proportionate ratio upon the different counties?

It might be. It could not come to much, divided in that manner.

325. *Chairman.*] When you make recommendations of that kind, year after year, the report is sent to the Government?

I make it to the Secretary of State.

326. And they do not think it necessary to send any answers?

No; I have not received answers to those matters.

327. You were asked, on the last occasion, a few questions as to the procurator fiscal, the sheriff's fiscal, and the justice of the peace's fiscal. There is a different rule, is there not, as to the employment of the police as procurators fiscal for the justices' police courts. In some cases the police constables are employed as fiscals in the justice of the peace's courts?

Yes; in five or six counties; and I think it is a very bad plan. It is not the duty of the police to be procurator fiscal. It is an extra duty put upon them by the police committees, and it takes up time which might be more properly employed in regular police duties. In fact, I think it is sometimes apt to make the chief constable consider his duties as the procurator fiscal first, and to leave the police matters to the next in command. The Act directs that the chief constable should be appointed to be at the head of the police; he receives the fourth part of his pay from the public; and it appears to me that it is not right to take him away from that duty and make him procurator fiscal. It is only in five or six counties out of 31 in Scotland where that rule prevails.

328. You do not think it answers well where it has been done?

I do not think it is a good thing; chief constables are not lawyers. They are not brought up to the business, and though they may manage to get through it, it is at a considerable loss of time which might be more profitably employed in looking after their police.

329. It is not with regard to criminal matters, but you refer to all other duties of the police?

Yes, night poaching, public-house cases, and matters of that kind; the public-houses in a large county take up much of the time of the police constables.

330. And road offences as well?

Yes; I know chief constables who are employed two or three days a week in parts of the county prosecuting at the small courts; it takes them a long time preparing the cases. The offender may be defended by a regular lawyer, and that gives him a great advantage over the chief constable.

331. In which counties does that system prevail?
It began in Edinburgh, in a small way, for road offences; then other counties followed, and now there are several. It is carried on in Dumfriesshire, Caithness-shire, Fife, and Linlithgow.

332. Lord *Penrhyn.*] Is the chief constable obliged in all offences to prosecute personally; cannot an officer of the police do that instead of him?
No, any other officer of the police would be still less efficient than the chief constable. It requires some legal knowledge to prepare cases and cite or warn the witnesses. I think it should be in the hands of a regular lawyer. We do not allow it in the county to which I belong, and in 25 counties it is not approved. The chief constable puts the cases before the procurator fiscal for the justice of the peace; he is not the sheriff's procurator fiscal, he is appointed by the justices of the county in quarter sessions; the sheriff's procurator fiscal is separate altogether, and has his duties defined.

333. *Chairman.*] And they are much more important duties?
Yes; but the statutory offences are numerous, and they take a great deal of the time of the chief constables, they are not trained to such a duty; chief constables are not lawyers.

334. Does not it obviate the possibility of any misunderstanding existing as to the functions of the chief constable, and the justice of the peace fiscal, if the office is held by one man?
No, I think not; the charges are made to the procurator fiscal, and they are then out of the chief constable's hand.

335. Is there not sometimes some heartburning between the sheriff's fiscal and the chief constable?
Yes, in some cases.

336. Is not that also the fact in some cases with regard to the chief constable and the justices' fiscal?
No; he is appointed to take up cases which the chief constable gives him.

337. Lord *Penrhyn.*] You think that in all cases information should be given by the police who conduct the prosecution, which should be entirely in the hands of the procurator fiscal?
Yes; a lawyer should be appointed as justice of the peace's procurator fiscal, as is the case in most counties of Scotland. It is only in the five or six counties that I have mentioned where that is not done.

338. Lord *Oxenfoord.*] What is the object of taking it out of the sheriff fiscal's hands and putting it in the hands of the chief constable?
They say that it is done at less expense, and that it saves the payment of a procurator fiscal. I say that the chief constable is appointed under the Act for a certain duty and paid by the public; and that he should not be taken away for another duty.

339. *Chairman.*] Are the superintendents of police in boroughs generally justices procurators fiscal?
Yes, in Edinburgh, Dundee, and others; I think it is a bad plan, because the head constable's time is too much taken up with that; I have pointed it out in Edinburgh, but they continue it in that city.

340. The system prevails both in the county and in the town?
It is done in Edinburgh, Dundee, and some others, but it is not done in Glasgow.

341. Lord *Oxenfoord.*] Who pays the sheriff's procurator fiscal; is he paid by fixed salary?
Sometimes he is paid by fixed salary and sometimes by fees; he is now generally paid by fixed salary.

342. Lord *Penrhyn.*] When he is paid by salary, is he paid by the county?

A certain amount comes from the Exchequer fees, and the other part is paid by the county.

343. *Chairman.*] Has it ever been the case that a chief constable has been appointed sheriff procurator fiscal?
No, never.

344. That would be impossible?
It would be impossible, I think.

345. Lord *Oxenfoord.*] As to the chief constable acting as fiscal, are you sure that he undertakes night-poaching cases?
Some cases in Fife and Dumfries and Perthshire, and a few other places.

346. *Chairman.*] In some cases it is not possible for the parties complaining of any offence, at their option to bring their case before the sheriff's fiscal or the justices' fiscal?
It depends upon the offence and the law.

347. There are certain Acts of Parliament upon the subject, are there not?
Yes; but not being a lawyer, I am not acquainted with them; you can easily get information upon that point.

348. Earl of *Camperdown.*] Would it be possible for the sheriff's fiscal to discharge the duties of other fiscals as well as his own?
In some cases it has been done, but it is not approved of; the justices like the justices of the peace's fiscal to be their own.

349. *Chairman.*] You decidedly disapprove of the employment of the chief constable as fiscal to the justices?
Yes; there are public-house cases to prosecute in the different towns and villages which makes the constables very unpopular; if you have a regular procurator fiscal, it removes the objection; besides that, they take up a great deal of his time; all these cases must be prepared; the witnesses must be written to, and the chief constable must attend the courts and carry them through, when he might be wanted on police business elsewhere.

350. On the score of economy there is some ground for his so acting?
Yes, but in 25 counties in Scotland they would not allow their chief constables to perform such duties. In Ayrshire it would be quite impossible for Captain Young, chief constable, to act as justice of the peace fiscal in that large county. I mention this because he has stated that it was never attempted in Ayr.

351. Earl of *Lauderdale.*] In cases of public-house offences, or other infringements of the law, is it not the duty of the chief constable, or the constable under him, to find out the particulars of the crimes committed?
Yes, it is.

352. The procurator fiscal has nothing to do with them until he has information that such crimes have been committed, then he prosecutes the parties?
Yes, that is so.

353. The chief constable, and those under him, are the persons to find out and detect the crime?
Yes; their object is to detect everything that is wrong, and to collect evidence.

354. They must give the information to the procurator fiscal?
Yes, it is always given to the procurator fiscal, but some procurator fiscals employ their own officers besides.

355. Lord *Clinton.*] When the chief constable is a fiscal who gets the moiety of the fines, where the sheriff fiscal prosecutes, the fines go to him?
The chief constable does not get any part of the fines, they go according to the Act: it is generally stated in each particular Act what is to become of the fines, they are not all the same.

356. Is that the case where the sheriff's fiscal prosecutes?

Yes,

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Yes, I think it is so; I do not know all these different Acts, there are several.

357. I understand there is a difference between the English and Scotch Acts. In England half the fines go to the police constable; in Scotland, where the sheriff's fiscal prosecutes, the fines go to the fiscal?

Yes, according to the statutes.

358. You do not know how it would be where the chief constable acts as fiscal?

The chief constable does not get anything, he is expected to do it for nothing; that is all the better for the persons who are brought up, they have no expenses to pay, there is not the same charge made as by a fiscal; that is one reason why the chief constable's appointment for the office is recommended.

359. *Chairman.*] In this Report which you handed in the other day, there is a return of vagrants, tinkers, and unlicensed hawkers reported by the constabulary, by which I find that there has been an immense increase in the number of vagrants?

Yes, there is a considerable increase this year.

360. Are the returns made out on a general system in each county, or is it left undecided to the different forces as to what shall be held to be vagrancy, and what not. Is the term "vagrancy" defined in any certain way?

No, it is not, that is what I wish should be done. Some chief constables put down vagrants under different names. Some call them tinkers and unlicensed hawkers, but I add them together and put them down as vagrants. I do not think there is a sufficient definition of the term.

361. In your Report for the year ending March 1867, you make certain statements on the subject of vagrancy: one is, that the number of vagrants has increased in certain counties, and diminished in others. "These changes cannot be altogether satisfactorily accounted for, but they are owing partly to the 'Trespass Act' of 1865 (28 & 29 Vict. c. 56), 'To provide for the better prevention of trespass in Scotland,' and partly from the police not making their returns in precisely the same manner. Some do not report persons hawking small wares seeking employment and having some apparent means of earning a subsistence, whereas in others they are all classed as vagrants. It is also partly owing to many of the class called 'tinkers' and 'muggers' having left the country, and some of them having settled in towns and villages;" so that you see there is great uncertainty?

Yes; I am not able to give any order on the subject. The term "vagrant" in Scotland is very vague. It is not sufficiently defined. The chief constables put them down in the best way they can; I classify as children those below 15 years of age; I think it is important to show the number of children who are vagrants; that is one of the most important points of vagrancy, because they are a new generation of vagrants rising up.

362. Earl of *Airlie.*] Are there not a number of people going about calling themselves hawkers who really are vagrants, and are making the selling goods their pretence for going about the country?

Yes; a great many of them carry a small basket of wares, as a mere excuse for going about the country. There have been communications from Elginshire and other counties, last year, requesting mutual co-operation in respect of licensed hawkers.

363. Do you think the hawkers' licenses are too easily got?

Yes; it was suggested at our county meeting the other day that they should be more particular in giving certificates and licenses. The inland revenue give them, but they do not inquire into it very much. It was suggested that they should not be given without the recommendation of some person either a justice of the peace, or chief constable, or a clergyman or chief constable.

364. What do they pay for a license?

A guinea.

365. Is

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365. Is it the case that any one who pays for a license can get it without any sort of recommendation?
Yes; it is.

366. *Chairman.*] This return refers only to unlicensed hawkers?
Yes; but the small licensed hawkers are very troublesome; they are not put down as vagrants if they are licensed.

367. According to this return there are 62,000 cases of vagrancy, being an increase of 12,702 in Scotland during last year?
That is so.

368. Earl of *Lauderdale.*] You do not include any of the licensed hawkers?
No. I state that about a third of the number of reported cases of vagrancy would give the number of vagrants; I mentioned that in my reports.

369. *Chairman.*] Every time a person is challenged by the police he would count one?
Yes.

370. So that the same person may be reckoned over and over again?
Yes.

371. There is a very large proportion of men as compared with women in this report; can you account for that in any way?
There is also a large proportion of women.

372. 28,766 men and only 19,548 women?
I cannot account for that.

373. It is probably the case that the men go about more from one county to another, and they are taken more notice of than the women by the police?
Yes; there are in reality more men, and they move about more than the women.

374. Do you suppose that there are actually more men, or that the men are more particularly sighted?
There are more men, and they are able to move about more than the women; the men cannot always drag the women about with them.

375. Is there a particular age at which you put down children?
I put them down under 15 years of age.

376. Lord *Oxenfoord.*] There is no definition of what a vagrant is in Scotland?
No definition.

377. It is not contained in any Act?
No.

378. Lord *Penrhyn.*] Is there no Vagrancy Act in Scotland?
No; there was a Trespass Act passed a few years ago which prevented tinkers and other persons from encamping on roads or enclosed places, or lighting fires without the permission of the owner; that is easily evaded, because so many people do give them leave, and the police see them and cannot touch them, because they have leave.

379. There is a prohibition, but that does not render the person doing so a vagrant, or liable in any other way?
No.

380. *Chairman.*] Can you account for the immense increase of vagrancy in some counties, and a decrease in others; for instance, in the county of Stirling, there has been a very large increase in vagrancy, and in the neighbouring counties of Clackmannan and Linlithgow there has been a decrease?
I inquired of the chief constables, and they said that in their counties there are public works and mines; but there are also public works and mines in Clackmannan and Linlithgow; that always appeared to me strange, and I cannot account for it.

381. Is not it possible that it may be in consequence of the police being less active in one county than in another?
They may be more particular in some; but from inquiries I made, I find that the

the chief constables are anxious to put down as much vagrancy as they find; I do not think that they neglect it.

382. Why is there a considerable decrease in the county of Wigton in the matter of vagrancy?
I inquired, but could not ascertain; in 1866, the decrease in Wigton and the neighbouring county were the same; I wrote, and asked for an explanation; I could not get any information.

383. Did I understand you rightly, on the last occasion, to say that the constables employed on the fisheries in Argyleshire were employed under the 7th section of the Act?
By the Fishery Board I understood they were.

384. Has not the Fishery Board the right to employ constables on its own account?
I believe they have, but they take this mode of doing it.

385. Are you sure of that?
I understand that it is so; I have no reason to doubt it, because the chief constable, when I went there and asked, told me the number of men that they had which the Fishery Board paid for under the 7th section, the only section under which they could be appointed; probably the Fishery Board may have the right to have constables, but they take this mode of doing it.

386. And the same with the fishery society at Wick?
The Fishery Board at Wick, or rather at Pulteney Town, are commissioners, they are not magistrates; they claim to have a police force of their own.

387. There are three separate police forces?
Yes; in Wick, the county of Caithness, and Pulteney Town; the one is the Royal burgh of Wick, and the other is designated a burgh, under these commissioners, though they are not magistrates; it is an Act about which there has been considerable dispute.

388. Now as to the 7th clause, you heard Captain Young on the last occasion say in reply to a question of Lord Colonsay, that when a chief constable has consented to employ additional constables under the 7th section, at the expense of the parties making the application, such an application is terminable at the discretion of the chief constable?
Yes; it says "It shall be lawful for the chief constable of any county, with the approval of the sheriff, or of the justice of peace, to appoint additional constables for such time as he shall think fit."

389. Under the same section of the Act, the arrangement is also liable to be terminated at the instance of the parties at whose expense the constables are maintained?
Yes; if they do not wish to pay any more they give notice, and they are removed.

390. Either at the instance of the chief constable or at the instance of the parties at whose expense they are maintained, the arrangement may be terminated?
Yes; by this clause, it is so.

391. Assuming that the preservation of fish, as an important article of human food, is desirable and expedient upon public grounds, and that with a view to public morals, supervision and river watching is called for, it follows as a matter of course, that systematic and continuous, and well-considered, measures having those ends in view, ought to be adopted?
If this section of the Act is not found strong enough, then what your Lordship says should be done; but we are obliged to take the Act as it is. The clause limits it to the chief constable and the parties who pay. I think that until the other day, when some dispute arose in in the county of Roxburgh, the Act has worked very well in Berwick, Ayr, Peebles, Selkirk, and Dumfries.

392. Would it not be more safely worked, and lead to better results, if the arrangements

arrangements were made permanent, and not to be terminable at the instance, and perhaps the caprice, of the parties.

Certainly it would; but it would require extra legislation, and the parties might not be disposed to have it forced upon them. I say it works very well as it is. If it is not found strong enough, then it would require to be strengthened. It would require an amendment of the Act.

393. You are aware that it has led to some misunderstanding in certain parts of the country, are you not?

In Roxburghshire; I have not heard of it anywhere else.

394. It is only in force in a few counties, is it?

In Berwickshire and Dumfriesshire, for the preservation of the Solway, the Annan, and the Esk rivers. It is principally on the Tweed, Berwickshire, Roxburghshire, Selkirk, and Peebles; also in Ayrshire.

395. I think you say that you approve of additional constables being employed under the 7th section for supervision, land as well as river poaching?

That has been done in Berwickshire, and has worked very well.

396. Supposing a considerable force were maintained in the county at the expense of private parties, for the suppression of water poaching, and another force for the suppression of land poaching, it would make a considerable addition to the number of constables under the command of the chief constable; what arrangement can be made in that case, as to building station-houses, and providing accommodation for the additional number of men?

The building of station-houses is left entirely to the commissioners of supply. In some counties they are pretty well supplied; in others they are not. In Selkirkshire a house was built for the river constables, and in the county of Peebles at one or two of the stations they are able to take in one of the river men; but in Berwickshire and Roxburghshire the the stations are hardly large enough; I think that one or two men are taken in where there is room for them.

397. Would it not be part of the scheme that they should live and be held altogether as belonging to the regular force?

I think that would be a good plan.

398. In that case additional accommodation would be required to be provided for them specially?

I think so; at present the men who have no stations are obliged to lodge the best way they can; I am in favour of the constables being lodged together, but it is very expensive to build a station for each constable.

399. Lord *Penhryn.*] In the case of having a policeman for the purpose of protecting the game, he would have a furnished lodging provided for him?

That would depend on his employers.

400. You would not wish that expense to be thrown upon the county fund?

No; as long as the constables are paid by private individuals, the lodging should be provided by the same persons. In some counties there are very few constables provided with stations; the others must provide lodgings out of their wages.

401. There is no time specified as to any notice for withdrawing the men so employed?

Upon 14 days' notice in writing to the chief constable they would be discontinued.

402. Lord *Clinton.*] There is no notice from the chief constable to the private person employing the policeman, because the policeman has to be appointed at such times as the chief constable shall think fit?

It is only specified as to the persons who employ them.

403. They may be suddenly removed by the chief constable?

There is nothing to prevent it.

404. Earl of *Lauderdale.*] Is not a large portion of the county police occupied

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pied in harvest time in many counties in Scotland in looking after the gangs of Irish who come over?

Only where they are troublesome. In one case in Berwickshire, they were rather troublesome, and threatened the constables with their reaping hooks; and the chief constable armed his men and put them down.

405. That took place only in that one county?
That is the only case I have ever heard of.

406. Have you only known it to occur in one?
In that one case in Berwickshire, that was nine years ago, in 1859.

407. *Chairman.*] Have you anything further to state?
No, I do not think there is anything else that I need trouble your Lordships with.

408. This report which you have presented to us, has been made public?
Yes, I believe it is now out.

The Witness is directed to withdraw.

Captain JAMES YOUNG, is called in; and further Examined, as follows:

Captain *J. Young.*

409. *Chairman.*] HAVE you anything further to say with regard to the subject of superannuation?
I have a little more to say, my Lord. I spoke of being aware of some dissatisfaction with the state of the superannuation fund; that in counties in England, it was not altogether satisfactory; but I should like to say that I am not aware of any cause of dissatisfaction, sufficient to alter my opinion that the same advantages in Scotland would be a great benefit.

410. Defective as the English system is, you think it a great deal better than nothing?
I think so.

411. I think you stated the other day that you thought the police force might possibly be diminished in counties, if greater use were made of the power of employing special constables?
Yes. Local constables; I think it would be a great advantage in Scotland, if we had the same provision that there is in an English Police Act, whereby the chief constable is empowered to nominate persons fit to be appointed local constables. I do not at all overvalue the services of the local constables; necessarily they can only be a substitute, and a comparatively inefficient substitute for police constables; but I think that in many rural and remote places they would be quite sufficient under a system of careful selection.

412. Lord *Penrhyn.*] What Act are you referring to?
It is one of the English Police Acts, my Lord; the 3 & 4 Vict. c. 88, s. 16.

413. *Chairman.*] Do you refer to one clause, or several?
Two clauses; there is one clause authorising the appointment of and the oath to be taken by local constables, and another regulating the payment of fees and allowances to these constables for special services.

414. Earl of *Camperdown.*] Would they be under the command of the chief constable, just like the ordinary constables?
Yes, that is provided for in England.

415. There would be only this difference between them and the ordinary constables, that they would be resident in the place?
Yes; and only paid when called upon.

416. Could they be called upon for any emergency, and moved to any part of the county?
Yes, they could be moved to any part of the county; but I have in view more particularly their acting in the parish or village for which they are appointed.

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417. Are there many places in Scotland where there is such an immunity from crime that those constables would be sufficient?

I can speak with confidence only of my own and some adjoining counties. There are in Ayrshire some stations very remote from other constables' stations; too remote to be visited by a constable from another station, with much advantage; and yet, unless a constable is stationed there, the public can get no benefit, or very little, from the services of the police. I look upon it as an expensive arrangement to plant a constable in those isolated places, and I should be very glad to see a means whereby that expense could be saved; at present there is no means of giving the public protection but the placing of a police constable in those places. It is not a very large question, and only applies to perhaps three or four stations in Ayrshire, but the saving of constables, even at those places, would be considerable.

418. *Chairman.*] Was that Act extensively made use of in Essex?

No, I think not at all.

419. Lord *Oxenfoord.*] Do you intend the local constables to be only called out in an emergency, and not to be permanently appointed?

Yes, I do.

420. It is to obviate the difficulty of getting specials sworn in?

Yes; we have a very large force of special constables at present enrolled in Ayrshire.

421. How many have you enrolled?

We have about 8,000 enrolled.

422. Lord *Clinton.*] Are they under the orders of the chief constable only, or have the magistrates power to call them out?

Yes, they have power.

423. Is that the same in England?

Yes, a magistrate in England has power over any constable.

424. Over an ordinary constable?

Over any constable in the land. When I say these clauses were not, within my experience, much, if at all, made use of in Essex, I ought to explain that there is in England, besides that provision for the enrolment of local constables on the nomination of the chief constable, the old system for the nomination of parish constables, which we have not in Scotland.

425. *Chairman.*] Would the old parish constable, if appointed under the old Act become subject to the orders of the chief constable, under the Act of 1856?

I rather think not. I am not aware that there is any special provision in that Act; but it was passed after I ceased to be connected with the police in England.

426. Were you connected with the police in England before the passing of the Act of 1856?

Yes; all my connection with the police in England was prior to that date. I left before that date, and served in the army during the Crimean War, and went to Ayrshire in 1858.

427. You raised a large force of specials in Ayrshire; under what Act was that?

Under the old Act. I forget the date of it at this moment. It is a very old Act. It was passed before the present reign.

428. Under that Act those constables would not be under the orders of the chief constable?

Not necessarily; there was no such thing as a chief constable at the time of the passing of that Act. Before constables can be enrolled under that Act, there must be information upon oath, by five resident householders, that a riot or tumult has occurred, or is expected to occur. That had to be done in Ayrshire. It is an English Act, but is held to be applicable to Scotland. I may say that the county, in enrolling the constables, placed them under the direction of the chief constable. I have had the general charge of the organisation of the force.

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429. Lord *Oxenfoord.*] You were divided into divisions?
They were divided into divisions, and officered by their own officers. The matter was gone into with great spirit, and it had an excellent effect. I attribute the preservation of the peace greatly to the steps that were taken at that time.

430. They remain constables until their appointment is recalled?
Yes; they were enrolled for a year from January. As to the superannuation fund, I should like to say another word. I spoke of the contribution from the Consolidated Fund being a desirable thing, in order to obviate the pressure upon the local rates; but I do not think that the want of a contribution from the Consolidated Fund is any good reason why there should not be a superannuation fund in Scotland. What was in my mind more particularly was the difficulty that I foresee in the working of a superannuation fund in the smaller counties. I think it is a serious difficulty; and it appeared to me that by a contribution from the Consolidated Fund those small counties might be amalgamated for superannuation purposes; and that there might be provision made for something like a general control of the fund. As to some of the larger counties—Ayrshire, for instance—I see no reason why Ayrshire and other large counties should not have a superannuation fund of their own, as the counties in England have. There is another expedient which has occurred to me, as a means of preventing pressure upon the local rate, which is the chief cause of any unpopularity there is in regard to the superannuation fund. I think if provision were made for a contribution on the part of a county from the police assessment, corresponding in amount to the contribution deducted from the men; and if these two contributions were invested and allowed to accumulate together, there would never be a pressure upon the local rates.

431. *Chairman.*] I suppose it would be necessary under any scheme, to secure to the men absolutely their right of receiving what they had been led to expect they would receive?
No, my lord, that is is not so in England; and I think if a provision of that sort were in existence it would seriously interfere with the exercise of discipline.

432. If the fund became bankrupt or got into a bad state, it would be very hard on the men not to receive their superannuation?
Yes; I think there ought to be a distinct liability on the part of the county to make good any deficiency; but I am pointing to the means of avoiding the possibility of such a case arising.

433. Lord *Clinton.*] That is provided for in the English Act, and is made up out of the police rate?
Under the English Police Act, there is no investment by the county for the benefit of the police; but I think it would be an improvement to introduce that system into Scotland, more particularly taking into account the smallness of our police forces generally; and the great difficulty which I foresee in working the superannuation fund upon a separate system for each county. In very small counties I look upon it as quite impracticable.

434. *Chairman.*] You said you did not think that there were any funds such as in England from fines and fees that could be made available towards this fund?
No, my Lord; because the system of prosecution is entirely different in Scotland. In England a great many of the prosecutions for statutory offences are at the instance of the superintendents of police and other police officers, and upon conviction a moiety of the penalty goes to the superannuation fund. Now in Scotland the moiety is applied in different ways, varying with the different statutes.

435. The fund is partly made up from fines paid by the men when they misconduct themselves?
Yes, but there is no provision in the Scotch Act for the imposition of a fine; I have never fined a man. In some counties they meet the difficulty by making it a condition of service, that the men shall be subject to fines; but I look upon it as liable to be questioned.

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436. You would not be favourable to the introduction of a clause as to fines?

I would be favourable to the introduction of a clause; but I am not favourable to the imposition of fines without a statutory power; there is such a clause in the English Act of 1856.

437. Are the chief constables in Scotland precluded from holding any other offices but that of chief constable?

Yes, the chief constable is precluded from holding any other office for hire or gain.

438. Does the chief constable receive no further pay in any shape when he is made fiscal to the justices?

It is very difficult to understand what the chief constables receive who act as procurators fiscal. In fact I do not know. I rather think that they have payment made of all their expenses.

439. But they receive no additional salary?

No doubt their employment as procurators fiscal is taken into account in fixing their salary. I know it has been taken into account in increasing the salary in several counties.

440. Earl of *Lauderdale.*] You said just now that the chief constable cannot receive pay or be employed in any other way, but do you consider the duties of a procurator fiscal to be part of his duty?

It is made part of his duty in some counties.

441. And when you said that he could not be employed in any other way; you ought to have excepted that?

The Secretary of State's regulations say that the chief constable shall not hold any other office or employment for hire or gain.

442. Do you consider the duty of procurator fiscal to be part of his duties?

No doubt the justices have power to impose that duty upon the chief constable. The Act of Parliament says the chief constable and other constables appointed under the Act shall perform all other duties connected with the police which the sheriff or justices of the peace may impose upon them. It might be questioned whether the office of procurator fiscal is a duty connected with the police; but that is the only question I could anticipate under that clause.

443. It is under that clause that they are empowered to do the duty of procurator fiscal?

I think so.

444. *Chairman.*] They could not impose the duty of procurator fiscal upon the chief constable unless he were willing to accept it?

I think not, my Lord; but it is quite competent for the county authorities to make it the condition of his appointment.

445. It would be a condition beyond the power of the Act of Parliament?

The powers of the police committee in that matter are not well defined. The police committee have the appointment of chief constable, and they may attach conditions to it; for instance, they may attach a condition as to the residence of the chief constable; there is a condition as to that, attached to my own appointment.

446. Have you ever been a procurator fiscal to the justices?

Never.

447. Do you think that the two sets of duties go well together?

They are impracticable in Ayrshire.

448. Is that in consequence of the size of the county?

Yes; the chief constable in Ayrshire could not perform the duties of procurator fiscal without seriously neglecting his proper duties.

449. Do not the justices of the peace fiscals have other fiscals to help them?

Yes; we have a great number of procurators fiscal in Ayrshire.

450. Would

450. Would it not be possible for the chief constable to appoint other persons to help him?

Yes, that might be done quite well if the principle were held to be a good one. It would be quite easy in Ayrshire, or in any large county, to appoint properly trained men to be prosecutors under the chief constable, acting under the authority of the justices.

451. Your opinion is, that the two offices ought to be kept separate in such a county as Ayrshire?

I rather think, my Lord, that they ought to be kept separate everywhere. In Ayrshire it is not practicable to work them together, from the size of the county, and the amount of the duties properly devolving on the chief constable under the Police Act. The system was in operation in Ayrshire a long while ago under the old Act, but it was discontinued even under that Act, and when the police force was very small. We have nine procurators fiscal in Ayrshire, appointed by the justices for different districts; a very great amount of work is done by them; all the cases in the justice of the peace courts, are prosecuted by these fiscals, and they are paid by fees.

452. Lord *Clinton*.] What class of men are they?

They are local lawyers. The appointment in some of the more important districts is a tolerably good one, it takes up a very great part of a lawyer's time. The cases before coming before the procurator fiscal are reported to me; that is simply an arrangement of my own, however, to see that the police prepare the cases properly, and also to check any frivolous proceeding: there is, of course, a tendency to prosecute too many cases under the system of fees.

453. *Chairman*.] When you receive a report, you forward it to the procurator fiscal?

I order it to be forwarded if I think it is serious enough to be prosecuted at the expense of the county. I speak of the justice of the peace fiscals; there is no such system as to the sheriff's fiscals.

454. Lord *Penrhyn*.] That is done by an arrangement of your own, in your own county?

It is an arrangement of my own.

455. That is not general?

No, I do not think it is; and I find it very difficult to carry it on in my own county now; the number of cases has increased so much.

456. Is there any power in the justices to dispute that arrangement, or upset it?

I do not think they would; the police committee are aware of the existence of the system.

457. The whole thing is done under the sanction of the police, and that gives validity to it?

It is done in the interest of the county, to see that expenses are not charged against the county unnecessarily or in frivolous cases, through the fault of the police.

458. *Chairman*.] You do not think that a procurator fiscal could order the constables to report to him directly, without reporting through the chief constable?

Not a justice of the peace fiscal; the county would not allow it. The procurators fiscal are entirely under the authority of the justices in quarter sessions; and if a circumstance of that kind were to occur, I should probably think it my duty to bring it under the notice of the justices, but there has never been the least inclination to break through the arrangement.

459. The class of cases brought before the justices of peace court are smaller cases, and of less importance than those brought before the sheriff?

Yes; but many of them are criminal charges under the common law, such as cases of assault, breaches of the peace, and other disorderly conduct; and generally speaking, all statutory offences—road offences, public-house cases, weights and measures cases (in which the police act as inspectors), are reported to the justice of peace fiscal.

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460. Those are chiefly brought before the justices?
They are wholly brought before the justices.

461. The sheriff has a concurrent power along with the justices in all those cases, or some of them?
The sheriff might try any of those cases, but practically it is not done in Ayrshire.

462. How many sub-sheriffs are there in Ayrshire?
Two; one at Ayr, and one at Kilmarnock; the county is divided into two districts.

463. What is the class of business chiefly brought before their courts?
The more serious crimes; that is, with regard to their criminal jurisdiction.

464. Are there many trials by jury before the sheriff?
Yes, a good number; we have a great deal of crime altogether in Ayrshire.

465. There is no such thing in Scotland as a trial by jury before the justices?
No.

466. You are not practically conversant with the working of the English Act of 1856?
No; I am not.

467. You cannot tell the Committee how many different authorities the chief constable is bound to report to in England?
Under the former Acts, the chief constable was wholly under the justices in quarter sessions; and I am not aware that there has been any additional authority introduced under the Act of 1856.

468. Can you tell the Committee how many different local bodies a chief constable in Scotland is obliged to report to?
Under the Police Act, the chief constable is obliged to make reports, when required by them, to the police committee, to the sheriff (and that includes the sheriff substitute under the interpretation clause of the Act); to the justices of the peace (without its being specified in quarter session); to the magistrates of boroughs which form part of the county under the Act, and to the magistrates of boroughs which have been consolidated with the county; which makes in Ayrshire seven different authorities, besides the Secretary of State, who might call upon the chief constable for reports.

469. Lord *Oxenfoord.*] The only report which you really send is to the police committee?
The police committee and the sheriff; that is a quarterly report under the Secretary of State's Regulations. They say, "The chief constable will make quarterly a report to the sheriff and the police committee for the county, of the amount and effective state and operation of the force, and shall append thereto a statement of the distribution of the force; of the number of persons apprehended by the police, the nature of the charges against them, and the result of the proceedings; the number of offences reported to the police, and any other particulars which may tend to show the state of crime in the country."

470. *Chairman.*] Copies of the same report would be sent to the sheriff and to the Police Board?
Yes, but separately; and then further on the regulations require that the chief constable shall send a copy of those reports to the Secretary of State, and append to it any note or minute which may have been made upon the report by the sheriff or the magistrates. These are the Secretary of State's Regulations that I am reading from, made under Clause 3 of the Police Act.

471. Lord *Penrhyn.*] You do not practically make the whole seven reports which you enumerated just now?
I have never been called upon to make all the reports; I spoke of what might be; it is quite possible that the chief constable may be called upon to report on the same subject to all the different authorities; I can conceive a case in which they would all be alike interested; and, really, under those circumstances, I do not see what he could do besides reporting at the very time that his services were required for far more important matters.

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472. Earl of *Airlie.*] In fact he would not send separate reports to these people; it would only be the labour of transcribing?

He might make one report and address it to the seven different authorities; it is an extreme case, of course, to conceive of seven different authorities calling upon the chief constable to report upon the same matter.

473. *Chairman.*] Do you think that, inasmuch as these bodies have the right to require reports to be sent to them, it would lead them to imagine that they have some right to interfere more or less in directing the chief constable or giving him advice?

No, I have not experienced it practically. I have had no undue interference from any authority in my county.

474. Lord *Penrhyn.*] Have you heard of any case in other counties where they have been called upon to make these different reports?

No, I have not; I have heard more of jarring between the chief constables and the procurators fiscal.

475. Earl of *Airlie.*] As a matter of fact, to whom do you report now?

I report quarterly to the police committee and the sheriff, and I send a copy of these reports to the Home Secretary.

476. Have you ever been called upon by the borough magistrates to report to them?

No; we have an instance in Ayrshire of the borough forming part of the county through having no police establishment, and we have an instance also of a consolidated borough, but I have not yet been called upon by them for any reports.

477. *Chairman.*] Have you ever any difficulty in determining who to refer to in any case from having so many bodies more or less in authority, upon the matter of police?

There is a difficulty, the responsibility is divided amongst many different authorities, and in that way, in my opinion, it is very much frittered away.

478. The police committee have no power of giving any orders to the chief constable?

No, and I look upon that as a great defect. I think it would be for the public benefit that the chief constable should be under a more effective system of local control. I think it is good for any public officer that he should be under such a system of control; no doubt the police committee have the power of appointment and dismissal, but it is hard to say what other definite powers they have.

479. Earl of *Airlie.*] Does not the power of dismissal practically carry with it other powers. A constable knows that in the event of his not complying with what they wish to be done, he may be dismissed?

No doubt it operates that way. It is the duty of the chief constable to carry out what he knows to be the views of the police committee.

480. *Chairman.*] You think that the chief constable generally endeavours to ascertain the wish of the police committee?

He ought to do so.

481. The justices are the parties who have the right to give orders?

Yes, and their jurisdiction is not very effective for those purposes under our Scotch system; there is a very great difference between the action of the justices in England and in Scotland; the powers that are exercised by the justices in quarter sessions in England are divided between the quarter sessions and the commissioners of supply and the sheriff in Scotland.

482. Do you think that the power now given by statute to the justices might be transferred to the police committee?

Yes, I think that the police committee might be made an effective representative of what may be looked upon as the interests of the county in the government of the police. I think it would be a good thing that the justices of the peace in quarter sessions should have the power of nominating a certain number of members of the police committee; and I think that the boroughs which form part of the county under the Police Act, or which may become consolidated with the county, should also have a power of nomination, although I think that this would be a quite sufficient representation of their interest in the control of

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of the police without requiring that separate reports should be made to the magistrates of those boroughs.

483. You think that the justices of quarter sessions might have the right given them to nominate a given proportion of the police committee?
I think that it would be a great improvement.

484. And that then the authority of the quarter sessions should be handed over to the police committee as thus constituted?
Yes, either that this should be done by a statutory enactment, or that the justices should have power to delegate to the police committee such of their functions as they think fit, in the same way as the commissioners of supply may delegate their powers to the police committee.

485. Earl of *Lauderdale.*] By whom are the police committee in Scotland now appointed?
By the commissioners of supply.

486. Are not the commissioners of supply almost invariably justices of the peace in a Scotch county?
No, not invariably.

487. Generally: I am not referring to any particular county?
Most of the commissioners of supply who take a leading part in the county business are justices of the peace; but we have a very large body of commissioners of supply in Ayrshire, a great number of whom are not justices of the peace.

488. *Chairman.*] Is there generally pretty considerable satisfaction with the constitution of the police committee at present in the counties?
I think the police committees themselves would like to have more power.

489. Do the persons who are not represented on the police committee, the lower class of proprietors who have less than 100 *l.* a year in land or heritable property, complain that they are not represented on the police committee?
I have not heard it complained of; I think the police committee is a good representation of the county so far as its powers go. I should like to see it have more effective power; I should like to see the power of control concentrated more in the police committee.

490. Earl of *Airlie.*] Are not the borough magistrates *ex officio* members of the police committee?
Some of them; provosts and senior bailies, are generally *ex officio* justices of the peace; but we have a number of burghs now under the Police Improvement Act of 1862 (generally called the Lindsey Act), and there is no such provision as to these burghs.

491. *Chairman.*] The police committee are, in fact, the body in the county which attends most police affairs?
Yes, the police affairs do not come before any other body in the county unless the chief constable brings them before another body. I myself bring many matters before the quarter sessions, where I think the action of the justices is likely to be beneficial; I make a quarterly report to the quarter sessions as well as the police committee, but this is not required by the Act. I asked the justices to resolve that that system should be adopted; my object being to induce the justices to take an interest in the working of the police; and in some instances where I have had a difficulty about the authority of the police in carrying out certain statutes; for instance, under the Cattle Plague Act, I have got the justices to authorise the police to be so employed, just for want of a definite power in the police committee.

492. Lord *Penrhyn.*] The Act speaks for itself: "Every such committee," that is the police committee, "shall also have such or so many of the powers and authority and discretion by this Act given to and reposed in such commissioners of supply, as such commissioners of supply shall think proper to delegate to such committee"; is there much variation in the power so delegated to the police committees in different counties?
No; but the commissioners of supply are purely a financial body; and cannot delegate any powers of government.

493. Those

493. Those powers are merely financial powers; not powers with reference to any orders?

They might delegate the power of taking steps for the erection of a police station-house, or anything affecting the financial interests of the county; but there are no direct powers of control over the police vested in the commissioners of supply. What I would suggest is that the justices, who have clearly the power of control over the police, should be enabled to delegate their powers, or such of them as they think fit, to the police committee.

494. *Chairman.*] Their power of control is in itself very small because the sheriff has precisely the same power?

Yes, of course; the corresponding power of the sheriff is another point; the sheriff comes into operation in connection with every governing body that we have over the police; with reference to reports, for instance, reports are to be made to the sheriff and the police committee. The sheriff and the county authorities are brought together in almost everything.

495. Have the justices, or the sheriff, or the police committee, any power to order the distribution of the constables in any manner they may wish?

The justices have power over the distribution of the force, inasmuch as the 6th section of the Police Act provides, "that the chief constable shall have the general disposition and government of all the constables so to be appointed subject to such lawful orders as he may receive from the sheriff, or from the justices of the peace in general or quarter sessions assembled." That is the power of the justices under the 20 & 21 Vict. c. 72.

496. Under that clause can the justices distribute the constabulary as they please over the county?

No; but they can give general directions to the chief constable; I think there is a defect in the Scotch Act compared with the English as to that point; the English Act, 3 & 4 Vict. c. 88, requires "That every chief constable shall, on the first day of every month, transmit to the clerk of the peace for the county for which, or for some district whereof such constable shall act, a return showing the actual disposition and number of the constabulary force of the county or district for which such constable shall act during the preceding month, which return shall specify the changes made from time to time in such force as well in number as by name, and shall distinguish by number and name the members of the police force of any other district serving within his district; and the clerk of the peace shall cause the said return to be laid before the justices at the next ensuing quarter sessions for examination." There is no corresponding provision in the Scotch Act; I think this is a defect; and I felt so strongly that it was a defect, that I, from the first, adopted the system.

497. Lord *Penrhyn.*] Supposing the justices at quarter sessions disposed of the police force, or laid down some rules for the disposition of your force, and quartered such a number of constables in a particular locality in your county, and the commissioners of supply through the local committee refused to give the money for the housing of the men; the one having the financial power and the other the power of distribution, it appears that there might be a clashing in that way, that one would not carry out the orders of the other; have you ever met with a case of that sort according to the working of the Scotch law?

No; I have never met with anything of the sort. The justices have exercised no control in quarter sessions over the police except in cases where I have asked them.

498. Lord *Clinton.*] For any case of conflict between the sheriff and the justices, there is a provision in the Scotch Act?

Yes.

499. By a reference to the Secretary of State?

Yes; and obeying the order of the sheriff in the meantime.

500. Have you ever known a case where recourse has been had to that?

Yes.

501. Do you know the particulars of it?

Yes; I think I can state them very shortly. In Dumbartonshire there is a

borough

borough called Helensburgh; the justices of the county were of opinion that the Public-houses Act was not strictly enforced in that borough. They resolved in quarter sessions that the chief constable should send the county constabulary into the borough to enforce the Public-houses Act. The chief constable acted upon that order, and the minority of the justices, who were dissatisfied with the resolution, made a representation to the sheriff. He considered the matter, and being of opinion that the justices had acted wrongly in giving that order, he gave a contrary order, and the chief constable then referred the question to the Home Secretary, who adopted the sheriff's view, and the consequence was, that the police were prevented acting in that borough.

502. Earl of *Airlie.*] With reference to the question asked just now as to conflict between the police committee and the commissioners of supply, have not the police committee power to call upon the commissioners of supply to make such financial arrangements as are necessary to make their recommendations?

No; they have only the power of recommending to the commissioners of supply what they think necessary for the proper carrying out of the Police Act.

503. I know a case arose in my own county; there was a sort of conflict between the commissioners of supply and the police committee; the police committee maintained that the commissioners of supply had delegated all their powers of management to the police committee, and therefore the commissioners had no jurisdiction?

I can hardly conceive how there should be a question as to that, because any delegation of power ought at any rate to have been well defined.

504. *Chairman.*] Have you heard of any other case similar to that of Helensburgh, in which the authorities of the justices and the sheriff conflicted with each other?

No, I think not; but I may mention that I was obliged, in the discharge of my duty, to consider the very same point in another way. The chief magistrate of a borough in Ayrshire, which has a separate police establishment, called upon me to enforce the Public-houses Act within that borough, and I declined to do it. Without referring to any superior authority, I held that it was clearly not within the limits of my duty.

505. Did he admit it?

No, he did not admit it; but he did not carry it any further, which I gave him the opportunity of doing; it was entirely a friendly communication.

506. The police of a county have no authority in a borough which has a separate police, have they?

They have powers, but not duties. A county police constable can act anywhere within the county.

507. Earl of *Lauderdale.*] He can apprehend criminals?

Yes, under the common law; and he has ample power under the Public-houses Act also.

508. *Chairman.*] You think it is impossible under the present Acts for a county constable to enforce the Public-houses Act in a borough with a separate police?

It is quite possible, so far as his legal powers go, but I think it very far from being his duty. A chief constable would do very wrong in sending his constables for any such purpose within a borough, which was not, by the Police Act, within the limits of his authority.

509. Lord *Oxenfoord.*] It is sending your men to do the work of others?

Yes; and a most disagreeable part of their duty. The county derives no assessment from the borough, and they have no right to the services of the police. If they want the services of the county police, they must consolidate their police. That was my answer to the chief magistrate in the case I mentioned.

510. *Chairman.*] With regard to the borough constables, the sheriffs have not so much power over the borough constabulary as they have over the county constabulary?

They have no power over the burgh constabulary.

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511. The whole power is in the hands of the magistrates?

Yes; it is in the hands of the burgh magistrates, except in so far as the sheriffs under the common law might be held to have power over every constable; there is no defined statutory power on the part of the sheriff over borough constables.

512. Do you find any inconvenience arise from the existence of small boroughs within a county, with a separate police system?

Very great mischief indeed.

513. Earl of *Camperdown.*] Have you many boroughs in the county now?

Yes, we have many boroughs. There is a very strong case of separate jurisdictions in the county town of Ayr.

514. *Chairman.*] What is the population?

I believe the population within the Parliamentary bounds, according to the census of 1861, was 18,573; then the part of the town included under the operation of the Borough Police Act has a population of only 8,219; the other part of the town, which is divided from the police borough of Ayr by the river, and is called Newton and Wallacetown, having a population of 10,354. Newton and Wallacetown are thus much the more populous, and they are also the more criminal part of the town. Indeed, to a very great extent that part of the town represents just the low suburb of a large town. Now, under that state of things, the county has the liability of providing police for the larger part of the town of Ayr; at the same time there is no law in operation there except the common law, which is quite inadequate for the control of the population of so considerable a town. A great many evils arise from that state of things; perhaps, the very least of the evils is the considerable expense that is thus thrown upon the county, while, at the same time, the place is very inadequately watched. In the police borough of Ayr there are 10 men, and in Newton and Wallacetown, with a much larger population, we maintain a serjeant and four constables at the expense of the county; while the produce in assessment from those places is not sufficient to pay for more than two constables. These places also require to have extra constables very often; they are supplied with them from the head quarters station of the constabulary, which is within the borough of Ayr, and where there are generally a few men under training, so that altogether the state of Newton and Wallacetown, as part of the town of Ayr, but not part of the borough of Ayr, is a very great hardship upon the county, and operates very much against the detection of crime.

515. The municipality does not extend to this part of the town beyond the river?

No, the police borough does not.

516. Does it with regard to the election of magistrates?

No, it does not.

517. What did you say with regard to the common law?

I said that the powers of a county constable under the common law are not sufficient to protect the public in a large town; there are a great number of offences, very annoying to the peaceable part of the community, which cannot be dealt with under the common law.

518. You mean under the law which exists as regards the county?

Yes.

519. That is to say, that the powers of the constables for the county purposes are not sufficient to meet the requirements of the town population?

Quite so; a place under those circumstances is in a much worse condition than a place which has adopted the Lindsay Act, where the powers conferred upon the borough constables in a separate borough are, as a matter of course, conferred upon county constables acting in those boroughs under the Lindsay Act, which have not power to adopt a police system of their own. In Ayr, people who are likely to commit offences not punishable under the common law, but which would be punishable under the Borough Police Act, take refuge in Wallacetown and Newton, and so it becomes a harbour for every kind of evil.

520. To cure that evil, you would prefer uniting the whole of the Ayr constabulary

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stabulary with the county rather than oblige the town of Ayr to admit Wallacetown into their system?

It is not possible to oblige them to do it at present. The inhabitants of Newton and Wallacetown made very strong efforts to get the borough of Ayr to include them. At that time the county was resisting the liability to provide police for Newton and Wallacetown. This had been a matter very much discussed in Ayrshire. In 1859 the county took the opinion of counsel upon the subject, and that opinion was rather in favour of the non-liability of the county. The county acted upon that view, and withdrew the police from Newton and Wallacetown entirely. Then the place became a nest of crime and every sort of mischief; the inhabitants were alarmed, and set to work to get this put right if they could. They first endeavoured to get the borough of Ayr to include Newton and Wallacetown, and they were refused; they then took the opinion of the then Solicitor General, Mr. Maitland, whose opinion was, that the liability lay upon the county, and that they could not compel the borough to include them, but that they could insist upon being included in the county; they were, in fact, included in the county for police purposes. It was held that they must either be in the borough or in the county; that they clearly were not in the borough, therefore they must be in the county.

521. Then, to meet the evil, some compulsory powers of some kind or other are required?

Yes.

522. And you think the best way will be to oblige the whole town of 18,000 inhabitants to unite with the county, or that the 10,000 which were outside the municipal borough should be required to unite with the 8,000 of the old borough?

The consolidation of the forces is the only course open at present.

523. Of the county and the borough?

Of the county and the borough; but it is quite easy to see that the borough has a strong interest of keeping clear of Newton and Wallacetown.

524. Lord *Penrhyn.*] If the population were so dense as to require an additional number of constables to enforce order and maintain the law, over and above the usual powers of the county constables, how would the consolidation effect that?

It would not effect that object, but it would save the county considerable expense.

525. But it would not settle the objection of the want of authority on the part of the constables?

No doubt the compulsory extension of the Borough Police Act is much the most effectual plan.

526. You say that the assessment value of that part of the town is very low; not enough to support more than two constables?

Yes; it is a very poor population, generally speaking; there is part of it respectably populated, but generally speaking it is quite the reverse; indeed there could scarcely be a worse population than there is in a part of Newton and Wallacetown. It is very much on that account that the county has hitherto subjected the ratepayers to the considerable expense of keeping the present force there. They look upon it as for the interest of the county that a place situated in these circumstances should not be allowed to become a harbour for criminals. If they are resident there they prey upon the surrounding districts.

527. *Chairman.*] Could the inhabitants of Wallacetown provide special police for themselves?

Yes, they could adopt the Lindsay Act. Having more than the minimum of population specified in that Act for the establishment of a police, they could have a police force of their own. They did make an attempt to adopt the Lindsay Act, but the promoters of the movement were out-voted.

528. Earl of *Camperdown.*] If they adopted that, it would increase their assessment very much?

Yes;

Yes; but if they adopted it, they would most likely make an arrangement with the county to provide them with constables.

529. They would clearly lose by it?
They would have more to pay; but the county could make them pay more even now by forming them into a separate district, under a section of the Police Act; but it was thought that this course would be rather a hardship upon the inhabitants of that place.

530. How many separate police jurisdictions have you in Ayrshire?
There are three boroughs, which maintain a separate police, Ayr, Kilmarnock, and Ardrossan; there is one borough, Maybole, which is consolidated with the county for police purposes, and there is one burgh, Irvine, which has fallen into the county for police purposes, but where the jurisdiction of the magistrates is, under our Act, preserved.

531. *Chairman.*] When the burgh is consolidated with the county, the powers of the Borough Act remain in the hands of the county constabulary?
Yes, the county constabulary then become competent to enforce the special powers of constables under the Burgh Act.

532. If the burgh of Ayr were consolidated with the county within the whole constabulary, they would have the same power within the burgh of Ayr as the burgh constabulary now have?
Yes, in Ayr, but not in Newton and Wallacetown.

533. Earl of *Camperdown.*] In that case would the Ayr magistrates retain any power at all?
Yes, they would retain all their power.

534. In that case the constables would be under two heads?
No; the control of the burgh magistrates in such circumstances is regulated by the consolidating clauses of the Act; besides which a special agreement can be made.

535. Lord *Penrhyn.*] Would not this meet the difficulty that you have just suggested, as to the power of constables in a thickly populated district, bordering on a municipal town, if the county had power to appoint a certain limit to that district, giving the constables within that limit the same powers as are exercised by the borough police?
It would be a very great improvement if it were enacted that the powers of burgh constables should be given to county constables in any place above a a certain population, whether a burgh or not; these powers are very much wanted in many places which are not burghs; it would also meet the difficulty with reference to places which are burghs.

536. Earl of *Airlie.*] In what are called populous places?
Yes.

537. Lord *Penrhyn.*] Would you have the limits defined by the commissioners of supply?
No, I would have them defined by statute.

538. Solely with reference to their population?
Yes.

539. Earl of *Airlie.*] Is there any definition of a populous place; it is a term used in some of the Acts?
Yes, it is defined in the Lindsay Act; there is a certain procedure specified in it, whereby a town or village may have itself denominated a populous place for the purposes of that Act; now if the same rule were applied with regard to empowering county constables to exercise the powers that the burgh constables now do, it would be a great improvement, whether the place had adopted the Lindsay Act or not.

540. Lord *Penrhyn.*] Surely it would be necessary to give to the same body the power of giving that authority, or of laying down the limits in which that authority should be exercised; it would not do to leave each constable, the moment

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moment the population rose up to certain limits, to say, now I have the power of a burgh constable, and to exercise them in his own discretion?

I do not mean that; I mean that there should be a limit of population fixed by statute, and that it should devolve upon the commissioners of supply, or the justices, to apply the Act to any particular place.

541. *Chairman.*] Without consulting the wishes of the inhabitants?

It might be made to proceed upon the representation of the inhabitants; there would be no difficulty in getting that in any fit case.

542. Earl of *Airlie.*] A representation by a certain number of ratepayers, you mean?

Yes; a representation by a certain number of householders.

543. *Chairman.*] That is the case under the Lindsay Act, is it not?

Yes; but the difficulty as to the adoption of the Lindsay Act is, that it is precisely in those places where its sanitary and other provisions are most required that there is the greatest disinclination to adopt it.

544. There would be a resistance to anything of a compulsory nature in the township of Ayr?

Yes; but there is a strong feeling in the public mind of the evils of the present state of matters.

545. The burgh of Ayr would equally object to being obliged to unite with Newton and Wallacetown with being obliged to unite with the county?

I think they would rather unite with the county than take in Newton and Wallacetown; at present they escape liability for the most populous and the most criminal part of their town.

546. Lord *Oxenfoord.*] You have a serjeant and four constables for 10,000 unruly people in Newton, and 10 for 8,000 respectable people on the other side of the river; have they more constables than they require, or have you fewer than you require?

I have fewer; there ought to be a saving by amalgamation; for instance, separate superintendence would not be required for both places.

547. They have a good force in Ayr itself on the south side of the river?

They have a sufficiently numerous force; it is sometimes thought they have too many men.

548. The burgh is assessed for them, is it not?

There is no burgh police assessment in Ayr; the police are paid for out of what is called the common good. If there were a police assessment the public would take up the question much more readily.

549. Earl of *Camperdown.*] How is the fund made up out of which they are paid; that is the common good as you call it?

It is derived from public property. There are also harbour dues; I do not know whether they have property in land, but many burghs have such property.

550. It has to be spent, so that it may as well be spent in that way as any other?

No; I do not think it is necessary that it should be spent.

551. Why do they not alter the number of constables if they are not required?

They have reduced the number already; I do not say that they are not required; I do not give any opinion of my own as to that; but I say it is sometimes said that they might be reduced.

552. *Chairman.*] Have you any other burghs in Ayrshire in which there is a difficulty?

There is a great difficulty in the burgh of Ardrossan.

553. What is the difficulty there?

The burgh of Ardrossan is constituted under a local Act, and has a population of about 2,900, but in the parish of Ardrossan there is a much larger population; part of an adjoining town is in the parish of Ardrossan, the town of of Saltcoats; in Saltcoats, that is the part within the parish of Ardrossan, there are above 3,000 inhabitants. Now, those towns, Ardrossan and Saltcoats, are closely adjoining, and the burgh of Ardrossan has a separate police jurisdiction, but maintains what may almost be said to be no police at all; there is an old man who is called the burgh officer, and lately an assistant watchman at night; then, besides the burgh of Ardrossan, there is the harbour of Ardrossan, which has also a jurisdiction of its own, under an Act of Parliament, and the power of appointing constables; so that there are, within three places quite close to each other, and indeed almost joined, three separate jurisdictions.

554. Earl of *Camperdown.*] Is there much crime in Ardrossan?
No, there is not much crime in Ardrossan; it is an important place, however, in many respects; it is a point of communication by passenger steamers with Ireland, and there is in the harbour a very large amount of exposed property. The state of matters a few years ago was very much worse than it is now; at that time there was a regular colony of thieves established in the town of Saltcoats, that is beyond the burgh boundary, who used to live upon the harbour of Ardrossan, it may be said, by stealing property exposed there, while at the same time there was no local force sufficient to check their operations. The harbour authorities of Ardrossan were desirous to appoint constables for the protection of the harbour, and they applied to me to have them appointed under the 7th section of our Act as additional constables, but it appeared to me that I had no power, because the chief constable can only do this for a place which is within the limits of his authority; and the harbour of Ardrossan, although having a separate Act of its own, is included within the burgh of Ardrossan, a place not within the limits of my authority. The harbour authorities were not satisfied with the result, and on my recommendation the question was referred to the sheriff, who supported the view I had taken.

555. *Chairman.*] Are the harbour authorities quite a distinct body from the municipal authorities?
Quite.

556. Do they raise their forces on different assessments?
There is no assessment in the harbour, and they decline to pay an assessment to the burgh; that has been a disputed question for a good many years, and in fact the harbour did not pay the burgh police assessment. The harbour belongs to Lord Eglinton, and is constituted under a private Act.

557. Is the one burgh constable of Ardrossan appointed under the Act of 1857?
No; he is appointed under the local Act of Ardrossan.

558. I see in Colonel Kinloch's Report that he states the police force consists of a burgh officer, and is inefficient; but Colonel Kinloch does not report about any police force except that which comes under the provisions of the Act of 1857?
The burgh police of Ardrossan is a force recognised by the Act of 1857, which recognised as having a separate jurisdiction any place that had adopted a police under certain specified public Acts or under a local Act; the latter was the case in Ardrossan; it adopted a local Act.

559. Saltcoats is in the county?
Yes.

560. So that there are three different bodies?
Yes; a case occurred last March which I may mention, as it illustrates the state of matters pretty clearly. A man returning on Saturday night from Saltcoats, where he had been marketing, was attacked by a large party of sailors from one of the ships in the harbour of Ardrossan, who had laid in wait for him at a place just beyond the last of the houses in Saltcoats, and before coming to the first of the houses in Ardrossan, they assaulted him very violently, injured him seriously, and robbed him. He managed to go home, and sent some one with information to the police. The messenger thought that the occurrence had taken place beyond the burgh boundary, and lodged information at the county police station, which was only a few hundred yards

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yards distant from the spot, in Saltcoats. The serjeant immediately acted upon the information, without waiting to see whether the offence was in the burgh or in the county. He also took care to see that information had been given to the burgh authorities, as it was clear that the offenders, at any rate, had come from that direction. The county and burgh constables worked together until the five offenders were apprehended; but by that time it had been discovered that the offence had occurred within the burgh, and the further management of the business devolved upon the burgh authorities. The result was, that several of the offenders were brought up at the police court of Ardrossan, and some of them were acquitted; they were brought up on a charge of assault, and the charge of highway robbery (as it would be called in England) was dropped. It could not have been disposed of in the burgh court. As there was information sufficient to support that charge, the prisoners ought not to have been tried in the burgh court at all, but they were brought up under the charge of assault, convicted, and sentenced to, I think, imprisonment for 60 days. The county police serjeant, from having been engaged in the case, and hearing what had occurred, knowing that it was wrong that it should be disposed of in that way, and also knowing that there was a certain amount of public dissatisfaction in the matter, reported the circumstances to his superintendent, from whom I received the report. I communicated immediately with the sheriff's procurator fiscal for the county, who proceeded to take a precognition, when it was found that there was quite sufficient evidence to support the charge of robbery, and the two men who had been convicted of the assault in the burgh court were tried at the circuit court, and sentenced to 10 years' penal servitude. This occurred from the men having stepped about 100 yards within the burgh boundary.

561. *Chairman.*] That is the sort of case that may occur in the confines of any county or burgh?

Yes; but I do not know who is to blame in this matter. There was another case close to the boundary of the burgh of Kilmarnock, the largest burgh that we have in Ayrshire, where a manufacturer was tracked from his office towards home, and knocked down and robbed on a road just bordering a small brook which is the boundary between the county and the burgh. Now, when such a case occurs, it tends very much to paralyse the efforts of the police. The men do not take that interest in a case occurring beyond their boundary that they do in a case occurring within their boundary, and this cannot be overcome by any regulation. I have tried to overcome it as much as possible.

562. Is there not a disposition in the burgh of Ardrossan to unite with the county, when the objections to remain separate are so plain?

No; there is unfortunately a disposition in the other direction.

563. What would be the population of Saltcoats and Ardrossan combined?

Part of Saltcoats is in another parish; the town of Saltcoats altogether has a population of nearly 5,000, but the part of it which is within the parish of Ardrossan and the burgh of Ardrossan together have a population of about 6,000.

564. Do you suppose that there are many cases of the same kind in different counties where the evils are felt so strongly as they are in Ardrossan and Ayr?

I do not know any instance corresponding to the case of Ayr where so large a town is so peculiarly divided; and certainly there could not be a worse case than the burgh of Ardrossan.

565. In those cases where there is a harbour police, such as that at Ardrossan, would it work well if the harbour police were united with the county police?

Yes; it would be a very great advantage indeed. As an instance of that, I may mention that it was necessary last winter to watch the harbour very closely on account of the communication with Ireland with regard to the Fenian movement; and it became necessary to place a detective officer there for several months, at a very considerable expense to the county.

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566. Is there the same sort of jealousy on the part of the Harbour Commissioners as there appears to be on the part of the municipal authorities?
No; the harbour authorities are very anxious to have the whole jurisdiction hrown into the county, and they regretted that they could not have constables provided under the 7th section.

567. There is no power in the present law which would enable them to unite with the county?
No; unless they could prevail upon the authorities of the Burgh of Ardrossan to consolidate their force with the county, which would, in that case, take in the harbour.

568. There is no means of uniting the harbour police with the county police under the present Statutes?
None.

569. Earl of *Lauderdale.*] I understand you to say that the Harbour of Ardrossan is part of the Burgh of Ardrossan, that is, that it is within the jurisdiction of the burgh?
Yes, it is within the jurisdiction of the burgh.

570. Is not the harbour liable to the laws with regard to the assessment of the burgh?
They have disputed the assessment.

571. Although they are acknowledged part of the burgh?
Yes; the Harbour Act is more recent than the Burgh Act, and I rather think that they have managed to keep themselves clear of the burgh assessment, although they may not have wished to throw off the burgh jurisdiction.

572. It must be specifically stated in some Act, that they are exempt from it?
I rather think it is so stated. The Harbour Act was extended a few years ago, and there was a dispute between the burgh authorities and the proprietor of the harbour at that time, as to the extent of the extension that should be obtained.

573. *Chairman.*] Do you find that there is a good deal more writing and reporting required of the constables in Scotland, than there was in the case of England, when you were connected with the police in Essex?
Yes, very much more indeed.

574. Do you think that there is so much reporting and writing required by the constables, as in some degree to impair their efficiency in their regular duties?
Yes, I think it is not a profitable employment of a constable's time to require him to write long reports. I do not object to the mere report, but constables in Scotland are accustomed to undertake something very like a precognition of witnesses, and I think it is not safe to entrust that duty to a constable in any case of importance. It is also a very difficult matter to instruct the ordinary sort of man who applies for the appointment of county constable, so as to make him competent to prepare these long reports; and I think that while an ordinary labourer, intelligent and tolerably well educated though he may be, is being taught the amount of proficiency required in that respect, he may lose a good many of the best qualities of a county constable.

575. Is it not rather essential in the system in Scotland, that reports of any offence having been committed, should be put in a written form, for the purpose of being laid before the procurator fiscal?
It is clearly necessary that there should be a report sufficiently full to put the procurator fiscal in possession of all the points of the case, but practically a great deal more than this is done; the constable is required to give the verbatim statements of witnesses.

576. Is he bound to put on paper what the persons from whom he gets the information say to him?
The procurator fiscal requires it.

577. The procurator fiscal requires the constable to do it?
Yes, he does.

578. Lord *Oxenford.*] But does the procurator fiscal take precognition himself?

Yes; this is not called a precognition; it is called only a report, but it has the character of a precognition.

579. Lord *Penrhyn.*] Where the offence is reported by the constable, is he required to give any evidence that can be given in support of the case?

That is the usual way; but, in my opinion, it is too much for him to do.

580. *Chairman.*] In England, is not the constable required to put upon paper what he has heard the persons say in respect of any offence which has been committed?

He is required to give a general statement of the circumstances, but he is not required to produce anything like what may be called a statement of evidence; and what aggravates the difficulty is, that there are many more cases taken up in Scotland than there are in England. Many cases that are never heard of in the English courts are prosecuted in Scotland, such as petty assaults; the only way in which a man can be prosecuted for an assault in England is by the person who is aggrieved taking out a summons or obtaining a warrant against the offender, which he does at his own expense. Now, in Scotland, a man who has something of that kind to complain of goes to the nearest constable, who immediately sets to work and examines a number of people who can make statements with regard to it, and then he makes his report; these reports are very voluminous, often covering several sheets of foolscap, and all about a very small matter indeed.

581. How would you manage that in England?

We should leave the man who is assaulted to take proceedings if he wanted proceedings to be taken; of course, a great number of those cases are not prosecuted, because, as I said, I check the transmission of the reports, in so far as the justice of the peace fiscals are concerned; but the same system applies to reports to the sheriff's fiscals; and the sheriff's fiscal has to go over the same ground before anything effective can be done in a serious case. There is a great deal of double work.

582. Has the same system to be gone through in ordinary cases, such as public-house cases or offences against the road Acts?

Yes; but it is necessary in those cases that the police should do this work, because the expense of taking precognitions in those cases by the procurator fiscal would fall upon the county. In the other cases, where the sheriff's fiscal is acting, the county bears none of the expense, or almost none, and it then becomes a question of some saving to the Government, if the procurator fiscal is paid by fees, and perhaps of some saving of work to the procurator fiscal, where he is paid by salary.

583. How would you obviate the difficulty of requiring the men to write such voluminous reports?

I do not think it is a thing to be regulated by any statutory provision. I think it is very much a question of the interest which the county has in one system compared with the other, and that if there were a more effective controlling body, such as I should like to see the police committee made, it would be able to settle all such questions.

584. Is it not an inherent part of the system that they should make these written reports?

It has always been more or less the practice; and the Police Act requires that the constables appointed under that Act shall perform all the duties that devolved upon any constable at the time of the passing of the Act. There is a difficulty in this; but it is very much a matter of local regulation.

585. It would not be competent for you to lay down rules upon your own authority?

I should be very likely to get into collision with the procurator fiscal upon the subject, which I should like to avoid, and always have avoided; it is difficult to say who should decide in such a case.

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586. Earl of *Lauderdale*.] I imagine that you wish to make the report as ort as possible, and it is the interest of the procurator fiscal to make it as ng as possible?

I do not wish to make it as short as possible.

587. So as to make it a sufficient report?

I wish that it should be a sufficient report, but not an unreasonable one, con- dering the kind of man who is required to make it.

588. *Chairman*.] You refer chiefly to cases brought before the sheriffs scal?

Yes, I wish my observations to apply entirely to those cases. In other cases, here proceedings are taken by the justice of peace fiscal, the same practice fects a saving to the county.

589. How would that be so?

Because it obviates the necessity of the justice of the peace fiscal taking pre- gnitions in minor cases.

590. There is a saving to the county, is there not, in some cases, in bringing em before the sheriff's court instead of the justices of the peace court?

Yes, there is in many ways.

591. Will you state in what way?

In all prosecutions in the sheriff court, whether summarily or before a jury, e expenses, and in some instances fees, are paid by what we call the chequer, that is by Government. In proceedings in the justice of peace urt all the expenses fall upon the county. Then, with regard to the mainte- ance of prisoners: in all proceedings in the sheriff court the convicted risoners are maintained in prison at the expense of Government, whereas in e very same description of cases tried in the justice of the peace court the xpense of the maintenance of the convicted prisoners would fall upon the unty.

592. And the object is to make as much business as possible go before the heriff rather than the justices in Scotland?

That has been the object generally; but in Ayrshire a very large amount of usiness is done in the justice of the peace courts, and an increasing amount of usiness. In fact, the sheriff courts could not overtake the whole of the work Ayrshire.

593. You say, in the case of prisoners convicted before the justices, the hole of the expenses in prison are maintained by the county?

Yes.

594. And if one of them should be charged and convicted before the sheriff, e Government pays for the whole of the expenses?

Yes, that is so; the expense of the conveyance of prisoners also follows the ame rule.

595. How is it that in Ayrshire they have such a quantity of business before e justices in that court; would it not be more economical for them to have nother substitute, or more than one?

I should not like to see it myself. I think that it is a defect in Scotland hat the justices exercise so little local jurisdicton, and in regard to police atters know practically so little of the working of the police. I think that has bad effect on the police also; I think it tends very much to sharpen a con- table if he is under the observation of the justices and other local magistrates all that he does.

596. Some of the offences may be brought before either the sheriff or the ustices, at the option of the complainer?

No; the complainer in Scotland has, in reality, no option at all; it depends ery much upon the official to whom the information is first given; but practi- ally almost all information is now given to the police.

597. But then who will settle, in ordinary cases, whether the case is to be rought before the sheriff or before the justices?

It is left very much to the constable as to reporting the case.

598. To the chief constable?

No, not to the chief constable, but to the constable to whom the information is first given; he learns by experience what sort of cases ought to go to the sheriff's fiscal, and what to the justice of the peace fiscal. The sheriff's fiscal, of course, has no interest in getting cases reported to him at all. It only involves more work without any more pay.

599. Is it within the limits of the authority of the sheriff, or of the justices of the peace, to require a certain class of cases to be brought before one particular court?

No, I think not; it depends very much upon whether there are justices of the peace fiscals. In many counties there are none, and in those cases every sort of offence has to be brought before the sheriff court; they are small counties, generally, in which that is the case. I do not know of any county in Scotland where the system of prosecution by justice of the peace fiscals is carried so far as in Ayrshire, apart from the employment of the chief constable in that capacity.

600. You do not think it would be a lawful order on the part of the sheriff to require cases of a particular description to be reported to his fiscal?

Yes; I rather think the sheriff might require all cases to be reported to his fiscal.

601. And to be carried on through his court?

Yes.

602. Earl of *Lauderdale.*] All cases?

Yes.

603. That the sheriff if he pleases can take up all cases?

He has perfect power to do so.

604. But the justices can only go to the limit of the law in the case they are allowed to try?

There may be a few cases under special statutes, where there is a doubt as to the jurisdiction of the sheriff; that is a very complicated question. There may be such statutes, but I am not acquainted with any of them.

605. Cases of poaching game would be tried by the sheriff?

Some of them may.

606. I mean poaching, not defrauding the Exchequer, but poaching on another person's property unlawfully?

I quite understand you, my Lord. These cases generally can be brought up only in the justice of the peace courts; some of them, the more serious class of them, such as night poaching, may be prosecuted either in the justice of the peace court or the sheriff court.

607. *Chairman.*] At the instance of the public prosecutor?

No, not necessarily; a poaching case may be prosecuted, and generally is in Ayrshire, at the instance of the proprietor, and at his expense.

608. Then if the proprietor wished to have this case brought before a justice of the peace court, would it be competent for the sheriff to say that it must be brought before his court?

No; I speak of cases where the action of the procurator fiscal comes in, who is entirely an officer of the sheriff. In regard to one class of poaching cases, the minor offence of night poaching, the justices of the peace in Ayrshire have resolved that the proceedings shall be at the instance of the justice of the peace fiscal and at the expense of the county. There are two descriptions of night poaching, what are called the major and the minor charges; the major charge is a criminal offence, and can only be prosecuted either before the sheriff and a jury, or in the Court of Justiciary or Circuit Court. The case of three or more men together, one or more of them being armed with a bludgeon, or firearms, or other weapon, is the major offence of night poaching, and is a very serious criminal offence; but the minor offence of night poaching is the case of one person, or more than one, none of whom are armed, going out after certain hours, poaching: that may be tried in the justice of the peace court, and in Ayrshire is so tried at the expense of the county.

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609. Earl of *Lauderdale.*] There is another part of the crime of poaching that comes under the head of defrauding the Exchequer, which is shooting without a license, and selling the game?

Yes; that is prosecuted at the expense of the Government and at the instance of Excise officers. Then we have cases under the Poaching Prevention Act, an Act under which the police have power to seize the game; these are prosecuted at the instance of an association in Ayrshire.

610. Lord *Penrhyn.*] Where would they be tried?

In the Justice of the Peace Court.

611. *Chairman.*] They could be tried before the sheriff, could they not?

Yes, they might be tried before the sheriff.

612. Has the Poaching Prevention Act entailed a good deal of work upon the police?

No; they enforce it as far as possible in connection with their ordinary duties.

613. Has it produced good results, according to your observation?

Yes, it has, so far as the very defective powers given to the police go.

614. Earl of *Camperdown.*] Has it diminished the number of cases?

Yes, I think it has; and it has made the poachers much more cautious in passing about from one place to another. On the whole, it has had a very good effect; but it is very difficult to work; there are a good many complications in it, about the description of place in which a constable is authorised to seize game; and the greatest defect of all is, that although he may seize game, guns, and nets, he cannot lay hold of the individual who has possession of them. I do not think the police will be able to do anything very effective for the suppression of poaching, until they have power to lay hold of the individual who has them in his possession.

615. Earl of *Lauderdale.*] He can take hold of the gun or net, but cannot take hold of the individual?

That is so.

616. Lord *Oxenford.*] He can summons him afterwards?

Yes; he must summon him afterwards, in order to have him punished.

617. *Chairman.*] If you suspect a person of committing a crime, and of having property which you believe to be stolen, are you at liberty to detain him in prison until inquiry is made?

Yes, he can be detained.

618. On suspicion?

No, there must be a charge against him; but there are pretty strong powers of detention in Scotland before trial. There is no power of remand in Scotland out of prison; in England a man may be remanded to the police station.

619. Do you find that an inconvenience?

Yes, I think it is; I think it leads to many people being sent to prison who need not be sent there; they might be detained with sufficient safety in the police station, as they are in England; and in the case of their discharge they would thus escape a good deal of the stigma which attaches to their being sent to prison.

620. When once you have brought up a man, he is in the hands of the procurator fiscal, and you are quit of him?

Yes. There is a very limited power of what may be called remand under the Summary Procedure Act; but it applies very much to proceedings in local courts, and is very limited in its operation. A man may be remanded for 48 hours; but in England a man may be remanded over and over again, so long as the case is under investigation, even in the most serious case. By that power of remand a good deal of risk in the conveyance of prisoners long distances to prison is avoided.

The Witness is directed to withdraw.

LIEUTENANT GENERAL WILLIAM CARTWRIGHT, is called in; and Examined, as follows.

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621. *Chairman.*] YOU are Inspector of the Eastern Counties, and Midland and North Wales district?
I am.

622. In your last report, you have reported that the superannuation fund is not in a satisfactory condition?
Yes.

623. You think it very essential for the efficiency of the police force that a superannuation fund should be established?
I think it is most important.

624. To what causes do you attribute the unsatisfactory condition of the fund?
The beginning of the failure of the Metropolitan Fund called my attention to it. The Metropolitan Fund was established 10 years after the force was established in 1839, and in the year 1850 it began to fail. In the year 1860 the payments over receipts amounted to 39,000 *l.*

625. Lord *Penrhyn.*] In the metropolitan force alone?
In the metropolitan force alone the excess of payments over receipts amounted to 39,602 *l.*; that was from 1839 to 1860.

626. *Chairman.*] Is the metropolitan force within your inspection?
It is not. In consequence of what occurred, my attention was called to the state of other forces under my inspection; and in order to obtain the best evidence I could, I applied to the Home Office for the assistance of Dr. Farr, who is the great statist at Somerset House. I have his report, which is a very valuable one, because it states exactly the amount of the funds of each county and borough, and at what period, in his opinion, they would all be exhausted.

627. In the event of the fund being exhausted, the officers would not suffer in any way, because they would be paid out of the rates, would they not?
The rate is liable in the event of the fund being exhausted.

628. So that the men themselves are quite safe; it is a matter of comparative indifference to them whether the fund is in a good state or not?
I think a police officer would have a better chance of getting a larger amount where there is a fund than where there is not; if the fund is in a thriving condition I should think he would have a better chance.

629. Lord *Penrhyn.*] There is no fixed rate, is there?
The rate for the county and the borough is under the Act of Parliament, which forms the superannuation fund; that will be found in the 3 & 4 Vict., and it there mentions the amount of stoppages, the amount of per-centage to be paid, and the formation of the fund, and also the amount of superannuation to each constable for particular periods; the 11th Section of that Act is the one to which I allude, and it there says that if a constable "shall have served with diligence and fidelity for 15 years and less than 20 years, an annual sum not more than half his pay, if for 20 years or upwards, an annual sum not more than two-thirds of his pay; provided that, if he shall be under 60 years, it shall be lawful to grant any such allowance, unless upon the certificate of the chief constable that he is incapable, from infirmity of mind or body, to discharge the duties of his office; provided also, that if any constable shall be disabled from any wound or injury received in the actual execution of the duty of his office, it shall be lawful to grant him any allowance not more than the whole of his pay; but nothing herein contained shall be construed to entitle any constable absolutely to any superannuation allowance, or to prevent him being dismissed without superannuation allowance." On these allowances, I consider the force to be in a very unsatisfactory position, because there is nothing certain; the whole is by permission. A man may receive not more than half his pay from and after 15 years of service to 20 years of service; that is to say, provided he is infirm; then he may receive not

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more than two-thirds of his pay up to 60 years of age. Now, I consider age to be of little consequence compared with service, for if it is to be based upon age, if a man enters at 40 he soon arrives at 60 comparatively, and he gets his pension. Then the men, who are the best men whom we have in the force, generally speaking, are those who come in young, about 22 years of age, and who are trained to their duties. Those men would have to wait 38 years before they would arrive at the age of 60, so that really the only thing to do is to strike out age and put in service.

630. *Chairman.*] You mean to give him the right of retirement, whether he is disabled or not?

Yes, at 60; but the next point, and I know it is one upon which the police are very anxious, is that there should be some particular period where a man has served creditably and meritoriously, at which he should have a positive claim upon the fund. That, I have no doubt, would be of the very greatest importance to the character of the force altogether:

631. When he has served a certain number of years he should have a claim upon the fund?

Yes, when he has served a certain number of years: I will not pretend to say what number of years, but I am sure it would be of the greatest advantage in getting the right sort of men into the force, if there was a knowledge that it was to be made a profession for life, and that after a certain period they were to have a certain pension. Perhaps you will allow me to state the consequence of Dr. Farr's Report, which was that the metropolitan authorities established a fresh system of superannuation. Now Dr. Farr is most anxious not to take any payment whatever from the men, and I think he is perfectly right, because the moment a man pays his 2½ per cent. he thinks he has a positive claim upon the fund. If we look at what 2½ per cent. amounts to after 25 years' service, it is very small, and the man considers that he has a claim upon the fund. The system seems to have been, since Dr. Farr's Report, that the per-centage should be taken away altogether. I have got the two most recent Superannuation Fund Acts that were passed in 1866 and 1867; one is the Irish Constabulary Act, and the other is the Dublin Metropolitan Police Act, and I find that the 2½ per-centage is taken away. They are both very important Acts, more particularly the Dublin Act. Perhaps, my Lord, you will allow me to allude to it; it is called the Dublin Metropolitan Police Act, establishing a superannuation fund for the Dublin Metropolitan Police. It is the 30 & 31 Vict. c. 95. Now this has been framed evidently upon the new calculations of Dr. Farr, and there it says, "A gratuity of one month's pay for each year's service after five years and less than 15 years. On completion of 15 years' service an annual pension of 15-50ths of the pay may be granted, and an increase of 1-50th for each successive year up to 30 years' service completed. After 30 years' service, or after the person to be superannuated has attained the age of 60 years, the pension to be equal to 30-50ths of the pay on a larger proportion in cases of extraordinary merit or good conduct. For injuries received at any time in the actual performance of duty a pension for life may be granted, of an amount in proportion to the injury received, but not exceeding the full pay; the grounds of disability to be carefully investigated and fully set forth in the authority granting the pension." Then it says there is to be an examination by the surgeon of the force, or some other competent medical officer. That is the new and latest scheme acted upon, to my knowledge, for any police superannuation.

632. In that case there is nothing taken out of the man's pay?

There is nothing being taken out of the man's pay, and I believe there is no fund; and in our case, when we find that the fund fails, and must fail, notwithstanding everything we put into it, the question is, whether it would not be better to give up the fund altogether, and merely pay from the rate, giving their earnings to the fund that pays it; to the rate, in fact.

633. Earl of *Airlie.*] From what source is this money raised for the superannuation allowance for the Dublin constabulary?

I cannot state more than this; it is, I presume, out of the municipal funds. I presume it is so, but I do not know.

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634. *Chairman.*] This entails a great additional expense upon the ratepayers?

It does; but it ensures good men; and good efficient policemen are much the cheapest men to the ratepayers.

635. Earl of *Airlie.*] Is not the Irish constabulary paid out of the Consolidated Fund?

Yes; but this is the Dublin force.

636. Is the Dublin police force paid by the municipality?

I presume it is.

637. Lord *Penrhyn.*] I understood you to say that Dr. Farr thought there should be no stoppage from the men, because one of the results was that it gave the men the idea that they had a claim upon the fund?

Yes.

638. I understand you to say that the men ought to have a positive claim for superannuation?

After a length of service; but now a man puts in, say, for five years, and thinks he has a claim.

639. And another objection was that if a man contributed to the fund, although his might be but a short service, he considered he was entitled to the fund?

Yes; after any length of service he thought he had a right to it. The only point which appears to me to be wanting in this new arrangement is that at a certain period there should be a claim.

The Witness is directed to withdraw.

Captain YOUNG is called in; and further examined, as follows:

Captain *Young.*

640. *Chairman.*] I WANT to ask you a question as to the manner in which precognitions are taken, and the secrecy which prevails on those occasions; have you observed a great difference in the manner of proceeding in England and Scotland?

There is a very great difference.

941. Of course at the beginning of every case there must be a period when secrecy, or privacy, is kept: that is when a constable first hears of an offence being committed?

Yes; that is a matter of prudence on his part.

642. In England, when a constable has heard of some offence being committed, he reports immediately to his superior officer?

Yes; that is the general rule. Constables are much more readily under the control of their superior officers in England than they are in Scotland, owing to the greater density of the population in English counties in general, and there being a larger proportion of superior officers.

943. In the case of theft having been committed in England, if the chief constable is of opinion that the charge ought to be proceeded with, what is the next step taken?

It depends upon the nature of the case; if the case is sufficiently clear to justify the summary apprehension of the offender, he is apprehended.

644. Having been apprehended, he is brought before a magistrate?

Yes, necessarily; he must go before the magistrate as soon as possible.

645. Is the proceeding before a magistrate, in England, necessarily of a public nature?

Yes.

646. In open court?

I am not prepared to say that a magistrate cannot, in any case, sit with closed doors; but it is very unusual.

647. The

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647. The object is to examine his conduct in public, theoretically at all events?
Quite so.

648. In Scotland, in a similar case, what would be your proceeding?
The case would be reported, as speedily as possible, to the procurator fiscal, who would judge whether there was sufficient in the information he had got from the police to justify him in making what is called a petition for a warrant for the apprehension of the offender, supposing him not to have been in custody. Of course, if the case was a grave one, and the evidence perfectly clear, the constable would have apprehended the offender summarily, without a warrant.

649. And he would have brought him before the procurator fiscal?
He would have brought him to the procurator fiscal, with a written report. There must be a report with him, because the procurator fiscal requires it. Then the procurator fiscal would judge whether there was sufficient in that report to justify him in craving a sheriff's warrant for the committal of the prisoner for further examination; or whether he would bring him at once before the sheriff for examination; which is quite a different process from anything that exists in England.

650. To that extent the procurator fiscal is at the mercy of the chief constable as to whether he shall carry the case further?
Not quite that; in England the theory is, that the proceedings are at the instance of the injured individual, and not at the instance of the police, although the police are really the acting agents in the matter. It is the private individual who is bound over to prosecute in England, in the case of a committal for trial. Occasionally a police officer may be bound over, as in a case of murder, where of course there is no injured individual to step in as prosecutor.

651. Is the report given to the procurator fiscal considered private?
Quite private.

652. That is sent, is it not, to the Crown counsel in a grave case?
No, not the police information usually. In the case of a precognition by the procurator fiscal, the result is reported to Crown counsel.

653. When you talk of precognition, do you mean examination taking place before the procurator fiscal, or the subsequent proceeding which takes place upon his petition before the sheriff?
A precognition is the statements of witnesses taken by the procurator fiscal. It may be before a sheriff, and in very grave cases it is; but much more generally it is not taken before any magistrate.

654. Do you mean that precognition is not taken in the presence of any magistrate?
No; it is not taken in the presence of any magistrate, except in very rare cases of a grave nature.

655. Then, if the procurator fiscal thinks there is evidence to take the matter further, he petitions the sheriff?
Yes, or he may have petitioned the sheriff before proceeding to a precognition; he may have obtained, and probably will have obtained, a warrant for precognition. Without a warrant no expenses are recoverable from the Government.

656. Are not the expenses of the witnesses paid?
No, nor the expenses of the procurator fiscal. The procurator fiscal, although he is paid by salary, receives a reimbursement of his outlays, but he cannot receive that unless there be a sheriff's warrant.

657. Witnesses are examined before the procurator fiscal?
Witnesses are examined by the procurator fiscal.

658. And they are not brought up face to face with the offender?
Not at all.

659. The whole thing is as completely secret as it can be on the subject?
The principle of the whole proceeding is secrecy.

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660. Lord *Clinton.*] Are the witnesses examined upon oath?

Not necessarily on oath; very rarely. In cases where the procurator fiscal thinks he is likely to meet with prevarication in a very important matter, he may have the witnesses examined upon oath. It is optional in him to do so.

661. *Chairman.*] The system of a public prosecutor is part of the Scotch system, which cannot be interfered with in any way; but is the secrecy with which these inquiries are conducted, in your opinion, an essential part of the system?

Quite essential; it is guarded most strictly.

662. Is it a necessary part of the system? Could the system of public prosecutions not be carried on even if there were more publicity allowed in the inquiries made at his instance?

I have considered that a good deal. I think it is quite possible to have a good system of public prosecution, which I consider most valuable in the Scotch system, and at the same time to give publicity in all the essential parts of the procedure. I am in favour of publicity.

663. You think there is nothing incompatible with the system of public prosecutors making it impossible that there should be more publicity?

Nothing at all.

664. In your own experience, have you ever had reason to think that if there had been greater publicity the ends of justice would have been better attained?

With the system of publicity, the public take more interest in the proceedings, and their action is more readily brought into operation in support of the police.

665. In cases of death under suspicious circumstances, would it not be desirable sometimes to have publicity with reference to investigations that are to take place?

I think that it would be very desirable, but not by the system of coroners' inquests, because I do not think it would work well.

666. Earl of *Airlie.*] Why do you object to coroners' inquests in Scotland?

It is essentially an English institution. There are some things in it which I think the Scotch people would be inclined to ridicule.

667. Does not it happen sometimes that deaths take place in Scotland under peculiar circumstances, the causes of which are not investigated, but which would be investigated in England?

In Scotland there is an investigation into every description of case which in England has to be brought before a coroner, but, in my opinion, it is not so effective.

668. Earl of *Lauderdale.*] There is not, necessarily, an investigation; it depends upon the procurator fiscal as to whether the case should be investigated. In England it is absolutely necessary, according to law?

Yes; and the procurator fiscals are under instructions to pretty much the same effect as the coroners in England.

669. *Chairman.*] But if the procurator fiscal, having received information of some suspicious death, does not consider it right to carry the case further, then the public know nothing at all about what has been done?

The public know nothing in any case of what has been done.

670. If the case is carried further, and comes on for trial, the public do know?

If there is a criminal charge involved in it, but not otherwise, and the latter is precisely the case in which, in my view, we miss a great many of the advantages of the system of publicity. I do not think that it is of so much consequence where a crime becomes chargeable against an individual, as it is in cases where there may be a moral responsibility resting upon an individual, but where it may be very difficult to make out a legal or criminal responsibility.

671. Earl of *Airlie.*] Have you heard of a case in Scotland in which a man was run over on a racecourse and killed by one of the horses; in England, that would be investigated by a coroner's inquest; in this case, in Scotland, no inquiry took place; is that a satisfactory state of things?

No;

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No; that is a very unsatisfactory state of things, and I cannot well understand ow it could be so.

672. *Chairman.*] Is it not probable that some inquiry did take place in Scotand, but the public not being informed of the cases, know nothing about them?
Yes, that is much more probable.

673. Earl of *Airlie.*] Would it not be more satisfactory to take means to let he public be informed of these cases?
I think we miss a great public benefit in having no system of public inquiry nto cases of sudden death in Scotland. Such cases are not by any means overooked; they are carefully inquired into, but the public know nothing about the esult.

674. *Chairman.*] Is it not the case that, sometimes, in consequence of the ublication of proceedings, information is obtained by the officers of offences which would not have otherwise been found out?
Yes. I think the police work under a disadvantage in Scotland in not having the aid of public interest in the investigation of such cases as your Lordship has eferred to.

675. Has any case of death come within your own observation in which you think publicity would have been of value.
Not particularly; but I really know very little about the comparative merits of the inquiry after the police have done with it; so that it is very difficult for me to instance particular cases.

676. But still you think, if there were more publicity, the chances would be rather in favour of justice being more often attained.
Yes, I think so.

677. Lord *Colonsay.*] What kind of publicity do you point at.
The kind of publicity that there is in England, in the preliminary taking of evidence.

678. You mean taking it in public?
Yes.

679. Earl of *Lauderdale.*] Do you not think that in some cases too great publicity in the examinations sometimes prevents the detection of criminals, or the tracing out of crime?
Yes, I think it does in some cases. I think there are defects in both systems; but so far as my observation in England and Scotland leads me to form an opinion, I am rather in favour of publicity.

680. In many cases do you not think that secrecy is a very material point in detecting and in tracing criminals?
I think it is a very great advantage in cases where sufficient information can be got in the first instance to justify the apprehension of an individual. I think that it tends, in such cases, to greater promptitude in all the proceedings, and in effecting the ends of justice.

681. *Chairman.*] In Ayrshire, and in other counties, you make up annual criminal returns?
We do.

682. Are they all made on the same system?
No, there is no uniform system. The only uniform return is a return rendered by the sheriff under a section of the Police Act; it is made up by the sheriff-clerk generally, and, at all events in my county, from information obtained from the chief constable.

683. The columns are divided into "tried," "acquitted," "convicted," and "no proceedings"?
Yes.

684. What is the column headed "no proceedings"?
That is a case in which a report has been made to the procurator fiscal, but where he has taken no proceedings upon that report.

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685. Where he has carried it no further?
Where he has thought the evidence not sufficient.

686. Lord *Colonsay*.] Where there is no prosecution?
Yes.

687. *Chairman*.] In that case, the expense is thrown upon the county, of bringing up witnesses?
Not necessarily; there may have been a warrant in the case, which would cover the expenses.

688. When a case has been carried further, it becomes what they call a reported case, does it not?
A reported case is a case which the procurator fiscal thinks too serious to be disposed of on his own responsibility, and which he therefore reports to Crown counsel.

689. And what is an unreported case?
An unreported case is a case in which the procurator fiscal thinks he is justified in taking proceedings without reporting.

690. Lord *Colonsay*.] Prosecuting summarily?
Yes.

691. *Chairman*.] The third case is a case where there are no proceedings?
That means no prosecution at all, either summary or otherwise.

692. Lord *Colonsay*.] Do you know the police rate for Ayrshire?
It was a penny-farthing last year, my Lord, and it is a little higher this year; I am not sure whether it is a penny-halfpenny or a penny three-farthings; the estimate was for a penny three-farthings, but I rather think that at the county meeting an alteration was made which will reduce it to a penny-halfpenny.

693. *Lord Penrhyn*.] Is the police-rate upon the gross rent-roll, or according to the rateable value?
It is according to the valuation roll. I am not sure how it is calculated.

694. *Chairman*.] Do you think that under the present law there is a liability of misunderstanding between the chief constable and the procurator fiscal, and that any further definition of their respective duties might be given?
I do not think it is necessary to have any further statutory definition, but there is a liability to the raising of questions between the procurators fiscal and the chief constables. I speak of this as a matter of theory; my practice is quite the contrary. I have the happiness of acting most cordially with the procurators fiscal, and I have always considered it my duty to do so; but there is a possibility of questions being raised. It is a little difficult to adapt the working of the Scottish Police Act, which was to a great extent taken from the English Police Act, to our system of procedure, and difficulties may no doubt arise in doing so. A good deal of prudence is required on the part of the chief constable, whose duty it is, in my opinion, to render the force under his orders as effective as possible for the furtherance of the ends of justice; and to co-operate with the proper officers for that purpose. It is very important indeed for the public interest that there should be a cordial co-operation between the procurator fiscal and the chief constable.

695. You think, under the present system, there is rather a liability of misunderstanding between the two officers?
Yes; but I think what I pointed at before, that is, making the Police Committee a better representation of the county interests in matters of that kind, would be quite sufficient.

696. You do not think there is anything in the grievance which I have heard stated, that the procurators fiscal sometimes take it upon themselves to give orders to the constables without communication with the chief constable?
There is a little awkwardness in that, no doubt; and it is likely to lead to a looseness of discipline on the part of the men. I think that is the most serious view of it; for if the men are taken away from their stations, without the knowledge of some superior officer of the police, they are likely, for one thing, to

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o waste their time, which is the property of the public, and to stay too long away rom their stations at easy work, instead of hastening back to the work which I ook upon as their primary duty under the Act of Parliament; that is to guard, atrol, and watch, and which is a much less agreeable duty?

697. You have worked very cordially with the authorities?
Very.

698. In your experience you have not found that there have been simultaneous nquiries into the same offence; upon the one side by the chief constable, and on the other by the procurator fiscal?
No; I cannot imagine that such a state of things could exist. The chief onstable has no duty laid upon him with reference to the investigation of crime, xcept to make use of the police in promoting the ends of justice. It is his duty to see that the police act in communication with the procurator fiscal. As to the system under which they do so, that is a matter for local arrangement.

699. Lord *Oxenford*.] Did you ever know a case of a procurator fiscal being on a police committee?
I rather think there is such a case in Wigtownshire.

700. You never heard of it in any other county?
No.

701. *Chairman*.] Do the procurators fiscal ever hold other offices?
Yes.

702. Is there any objection to that?
I think I am hardly competent to give an answer as to that. I should like to say, with reference to the employment of constables under the personal directions of a procurator fiscal, that I think a procurator fiscal by insisting upon employing a particular constable may chance to get the services of a very inefficient man.

703. Lord *Colonsay*.] You mean if he insists upon selecting his man?
If he insists upon selecting him; and I think it is unfortunate when that is insisted upon. I think every procurator fiscal should have at his disposal one or more men, selected for their special qualifications, in making inquiries; but that the other constables, who may be very good men for ordinary police duties—for the prevention of crime and all other duties,—but who may not be so well qualified, by education or experience, to prosecute the important inquiries which the procurator fiscal often requires, should not be taken away from their own stations for that purpose. There is a great waste of time and money in their being so taken away; and I think that these special duties should be performed by specially selected men.

704. *Chairman*.] There is this essential distinction between England and Scotland: if a crime is committed in England, the detection of it, and everything connected with it, is put into the hands of the chief constable and the force under him; but in Scotland, as soon as it has been reported to the procurator fiscal, the whole charge of it is in the hands of the procurator fiscal?
Yes; and I think it is a very great advantage that it should be so.

705. Then you think the Scotch system is the best?
I think the Scotch system is the best in that respect, most decidedly.

706. Lord *Colonsay*.] With regard to benefit societies, you said that you did not find so much advantage taken of them by the men as you would wish?
No; I think it might be expected that more of the men would take advantage of them.

707. What were their objections to taking advantage of that system?
I think a strong reason is the expectation of the establishment of a superannuation fund.

708. You think a superannuation fund would be a better system than a benefit society?
Yes; I look upon a superannuation fund as a great advantage, particularly in the public interest.

709. *Chairman*.] You stated, the last time you were here, that you had ap-

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pointed some constables, under the 7th clause of the Act, for the protection of a fishery?

Yes, I have at various times.

710. Have you ever had occasion to appoint persons in the same way, under the same clause, for the protection of game?

Only once, and then for a very short time.

711. You consider yourself entitled, under the 7th clause, to appoint additional constables, if called upon, for the protection of game?

Yes, if I think fit; I should consider it entirely as a special question. I think the adoption of the 7th section is a matter that requires very careful consideration in every case.

712. Do you think it objectionable to employ police generally for the protection of game or fish?

I think it is objectionable to take them away from their ordinary duties for the mere preservation of game; but there are many ways in which the action of the police may be made effective indirectly for the preservation of game, and, I think, beneficially so.

713. Lord *Colonsay*.] Do you draw a distinction between employing them for the protection of game, and employing them for the apprehension of persons who have committed offences against the game laws?

Yes, I draw a clear distinction. I look upon the employment of additional constables for the preservation of game as entirely a question for the individual who wishes to have them so employed at his expense; and with regard to the detection of offenders, I think that the constables should act effectively, so far as the law carries them, which is not very far.

714. Lord *Clinton*.] Are they ever employed in Scotland for the preservation of game?

I rather think additional constables are, in some cases.

715. Are the county police so employed?

No, clearly not.

716. Lord *Penrhyn*.] Do you see any objection to policemen being paid by individuals for the preservation of game?

I see no objection to the principle.

717. You do not think it could in any way affect the public interests as regards the use of the police force?

Clearly not. I think a constable may be employed, under the 7th section, for anything for which an individual thinks he would like to have him so employed in preference to a private individual; in every case it depends upon the character of the men proposed to be employed; I myself am very particular about the character of the men employed under the 7th section. I do not allow the employment of men in connection with my own force under the 7th section, unless they are selected men from the police; I think that a man of doubtful character, brought into connection with the police under the 7th section, would be likely to bring discredit upon the whole force.

718. The chief constable is bound to obey the lawful orders of the sheriff. If the sheriff were to give an order to a constable to protect game, would that come under the definition of a lawful order?

It depends upon what is considered the preservation of game. I do not think it would be a lawful order to require a police constable to watch as a gamekeeper.

719. Earl of *Lauderdale*.] Would it be a lawful order to require him to detect poachers, or people whom he knew to be destroying game without authority?

Decidedly. I think that would be a lawful order, so far as the Game Laws give power to the constable, which is not very far. In my opinion, more power should be given to a constable to act against poachers.

720. When a constable knows every man in a country district, and is aware that some of them are habitual poachers, do you not think it is his duty, if he is

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is walking along, and sees a man killing game without a license, to take measures to have him apprehended and prosecuted?

Under my regulations I make it his duty to give information to the person interested; he cannot apprehend the offender.

721. He is to take such measures as are likely to bring him to trial or punishment?

Yes, I look upon a poacher as a criminal.

722. He is acting against the law?

Yes; and I think the police have to do with every one who is acting against the law, so far as they observe it.

723. *Chairman.*] Have you anything further to add to your evidence?

I think the want of a Vagrancy Act in Scotland is a great defect. I may draw attention to that, particularly as my county happens to have the most numerous list of vagrants, according to Colonel Kinloch's return.

724. You have a very large body of vagrants?

Ayrshire is literally swarming with vagrants.

725. Lord *Lauderdale.*] Are there not some counties in Scotland having some sort of Vagrancy Act applicable to them?

There is no effectual Vagrancy Act in Scotland. There is a system in some counties of passing the vagrants into other countries from houses of refuge.

726. There are some counties which have the means of getting rid of them with greater facility than others, either through Local Acts or otherwise?

Yes, they do pass them on, but it is a very ineffective system.

727. *Chairman.*] Would it be possible to define what a vagrant is, with a view to have a little uniformity in the returns from each county, as to the number of vagrants. Colonel Kinloch told us that the term "vagrant" was held to be different in one county from what it was in another?

It is very difficult to define what a vagrant is; at present, there is no legal definition of the word. I take it as nearly as possible to be the same as the statutory definition which is in operation in England, a person wandering about without any visible means of subsistence, and not being able to give a good account of himself.

728. Is that the definition which you believe to be adopted by most chief constables in their returns?

I cannot answer that question; I think there is a great variation in the practice. I have not much confidence in a return, without knowing exactly how it is made up for a particular county.

729. Can you account for the fact of there being such a very large preponderance of males over females in the vagrancy returns; there are 28,000 males to 19,000 females?

Men are more able to wander about than women.

730. They are challenged more frequently by the policemen?

There are actually more of them; I do not think they are challenged much more frequently.

731. Lord *Colonsay.*] Are the men out of employment?

No; very few of them.

732. You do not count them?

They are counted, but there are very few of them; most of the individuals included in the Ayrshire return are simply professional vagrants; and the evil resulting from the prevalence of vagrancy in Scotland can scarcely be overstated.

733. Lord *Penrhyn.*] Is it on the increase?

It is increasing very much, my Lord; the vagrants work upon a regular system. Their operations are much more systematic than the public are aware of, and I believe thoroughly that nine-tenths of the petty thefts in Ayrshire are committed by vagrants. I am satisfied, further, that the class of vagrants includes many notorious criminals, returned convicts and others, of whom the police know

know nothing. I think there is very great danger indeed in the present state of Scotland, with reference to vagrancy.

734. Earl of *Lauderdale.*] At present, there is no law to enable the county to get rid of them?

There is no effective law; there is an old Act against Egyptians, as they are called, and against persons going about to tell fortunes, and doing other things, but it is quite inoperative; it was passed as far back as the reign of one of the James's.

735. But it is never acted upon?

It cannot be acted upon; a magistrate might put a vagrant in prison, but he has no means of doing anything more with him. I should like to mention also, that I think there is a defect in the police system in Scotland, in the want of some kind of connection for detective purposes between one force and another. I believe that remark might be held to be applicable to the country generally; it is my own conviction, founded upon nearly 20 years' experience.

736. *Chairman.*] You think that some better means of communication should be devised?

Better means of communication, and a more central system of action, for detective purposes, by specially qualified officers.

737. You would agree with what Colonel Kinloch said as to the establishment of a Police Gazette?

I would.

738. That in some measure would do what you think ought to be done. He also suggested that there should be also a certain number of constables attached to the office of the Gazette; do you agree with that?

I should look upon the establishment of a body of detectives as the primary requirement.

739. Lord *Penrhyn.*] You would make that system applicable to all the counties in Scotland?

I would have them centralised and distributed too. I think there should be a central action in Edinburgh, and local action as well, without which nothing can be done effectively, because the most experienced London detectives, or detectives from anywhere else, can do little without local information. But there is a possibility of selecting men who show special aptitude for detective work. At present those men are very much lost in the general strength of the force. They are employed in ordinary police work, which a much inferior man might do as well as they can.

740. Do you mean a central establishment in Scotland, at which men should be trained for the detective force, and then distributed in the different counties?

Yes.

741. In fact, a sort of school of instruction?

A school of instruction, and a means of communication between the Government and the local authorities. That defect was very much impressed upon my mind, in connection with the steps which were necessary with regard to the Fenian movement last winter, in which I had a good deal of special experience.

742. *Chairman.*] Do you find in general that the country people in Scotland are well disposed to promote justice, and give information to the police?

Yes, I think they are.

743. They do not hang back out of a sort of moral cowardice?

There is rather a tendency to look upon everything connected with the promotion of the ends of justice in Scotland as a technical matter, more than in England. It is more left to the police.

744. There is a certain class of cases which people are unwilling to commit themselves about; such as giving information in public-house cases, poaching cases, and fishing cases?

Yes, there is very little information to be got in those cases; people do not generally look upon them as crimes.

745. Lord *Colonsay*.] They look upon them in the same light as smuggling, I suppose?

Yes, they think those are not very serious offences; but with regard to crime, there is not any material disposition to hold back. The people work readily enough with the police. I have said, as a matter of opinion, that I think they would work more readily under a system of publicity; but of course that is a very wide question.

Ordered, That this Committee be adjourned to Thursday next,
at One o'clock.

Die Jovis, 28° *Maii,* 1868.

LORDS PRESENT:

Earl of MORTON.	Lord ELPHINSTONE.
Earl of LAUDERDALE.	Lord OXENFOORD.
Earl of AIRLIE.	Lord PENRHYN.
Earl of MINTO.	Lord COLONSAY.

THE EARL OF MINTO IN THE CHAIR.

LIEUTENANT GENERAL WILLIAM CARTWRIGHT, is called in; and further Examined, as follows:

746. *Chairman.*] You were proceeding to say, when the Committee rose, that you thought that the superannuation fund itself might be entirely dispensed with, and that a provision for the men might be made from other sources?
Yes; I say that, certainly, in consequence of the failure of the funds. If a fund could be established which would be sound, I should prefer a fund; but the difficulty is to establish a fund that would last, and of course, if it is a failing fund, it is better that it should be done away with altogether.

747. But the contributions of the men would always go for something in payment of pensions and retiring allowances?
A very small amount. Supposing the contributions of the men were 2½ per cent., and supposing the whole sum was 1,000 *l.*, there would be only 25 *l.* derived from that source.

748. Do you think that the gratuities to the men, or pensions to the men, ought to be given after a certain period of service, or after a certain age?
I consider it most important that it should be after a certain service; to give it by age, I think, is a very great mistake.

749. Would you propose, then, that they should have an absolute right, supposing them not to have behaved ill in any way, to a given amount of pension after a given amount of service?
Yes, after a certain amount of service. I think it would be of very great importance to the force if they knew that they were entitled to a certain amount of pension, after a certain amount of service.

750. At the present moment, under the English system, I think it is entirely in the hands of the chief constable to determine what amount of pension shall be given to a man?
Entirely at his discretion.

751. He must give some pension, I suppose?
It does not follow.

752. May a man who has contributed to the fund for a long period of years, and who has retired after the age of 60, be denied his pension altogether?
At the age of 60 he may have it without the certificate of the chief constable.

753. But after the age of 60, it is still entirely in the discretion of the chief constable to say what amount he shall give him?
The amount is entirely in the hands of the chief constable recommending it to the court of quarter sessions.

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754. Have you considered at all what amount of pension you would think fair to give to a man who has served, say, 25 years?

The only thing that I have to go by is the new scale, which is recommended by Dr. Farr, and which appears to have been worked upon in settling the last superannuation, which I mentioned before, which is that of the Dublin constabulary. I have that scale before me. If your Lordships would like me to do so, I will go through the different headings; there are only 4 or 5. I will go through these clauses one by one. The Act which I have alluded to is chapter 95 of the 30th and 31st Victoria; it is an Act of last year. The first scale of superannuation in that Act is, " A gratuity of one month's pay for each year's service after five years and less than 15 years." That appears to be the same as Dr. Farr's recommendation.

755. Is that independent of the age of the man?

Yes, independently of the age; that is, one month's pay for each year's service. Dr. Farr recommends for any service under five years no gratuity whatever; he does not consider that a man has any claim for a shorter service than five years, and that is the same in the Act, because it says, " after five years;" therefore they agree. The next is No. 2. The Act says, "On completion of 15 years' service, an annual pension of 15-50ths of the pay may be granted, and an increase of 1-50th for each successive year up to 30 years' service completed." Dr. Farr makes it begin at 15 years' service at 15-50ths, and extend up to 33 years' service, and then for life. The Act says, " 1-50th for each year up to 30 years' service;" there is a difference of three years between Dr. Farr's and the Dublin scale. Then Dr. Farr recommends that it should be for five years only certain for a short service man, if the pensioner lives so long; but he proposes that they may recommend it for 6, 7, 8, 9, 10, or 11 years, if they think fit.

756. Who may recommend it?

The authority. Now, it strikes me that we have an Act of Parliament which would be very important upon that clause; it is an Act of Parliament which we were very anxious to get passed, to prevent persons from getting pensions too young, and keeping them for life, and that is the 28th of Victoria, chapter 35. In that Act, instead of recommending them, as Dr. Farr would, for five years, it is merely to make them appear from time to time to examine them, and to see what their state is; that is different from both the Dublin scale and Dr. Farr's. To return to the Dublin Act, the next is, " After 30 years' service, or after the person to be superannuated has attained the age of 60 years, the pension to be equal to 30-50ths of the pay, or a larger proportion in cases of extraordinary merit or good conduct." Dr. Farr says, that after 33 years' service it is for life, and he does not mention anything more; but the age of 60 appears to be out of his scale, as it is after 33 years' service for life. The Act says, after 30 years' service, or at the age of 60. Then, " For injuries received at any time in the actual performance of duty a pension for life may be granted of an amount in proportion to the injury received, but not exceeding the full pay; the grounds of disability to be carefully investigated, and fully set forth in the authority granting the pension." That I consider a most important clause, because a man may be only a year in the force, and he may be maimed for life. The object of the clause is in order to be able to give a full pension to any man who is seriously wounded in the service at any period of his service. I consider that of very great importance.

757. If those arrangements were carried out a very much larger sum annually would be required than is now required, would it not?

I do not think it would, because our county scale is much higher at present; this is a reduction of the scale; our men may have half pay after 20 years' service.

758. Earl of *Airlie.*] Still, if it were adopted in Scotland, where we have no superannuation fund at all, that would entail a very considerable additional burden upon the ratepayers, would it not?

There is no doubt that it would be a burden upon the police fund, but I look upon it as being desirable for the purpose of getting good men into the force; and in England, as far as I can see, it is only by letting them know

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at they have this to look to, that we get the right men. We can fill the force
with men who would be shifting, but the great object is to keep them in the
ce, and that, I think, can only be done by letting them know that they will
ve something when they have served a certain number of years.

759. What is the proportion contributed in England towards the expenses of
e constabulary out of the Consolidated Fund; it is one-fourth, is not it?
Yes, that is given by the Treasury; the amount paid by the Government is
per cent. of the pay and clothing, but they only pay indirectly to the super-
nuation fund by paying a proportion of the 2½ per cent., and of course if we
e the 2½ per cent., we shall lose a small proportion of the Government contri-
tion.

760. *Chairman.*] What were you reading out of just now?
Out of the Act of Parliament relating to the Dublin Police Force.

761. Lord *Penrhyn.*] In what year was it passed?
In 1867.

762. *Chairman.*] Supposing the county paid 10,000 *l.* a year in salaries and
ges to the constabulary, is there any calculation as to what proportion would
required in addition for the payment of pensions under this arrangement?
No, because it is so uncertain; in one year there may be a great many men,
d in another year not so many; for instance, last year, in the Metropolitan
lice Force, I believe there were a great many men superannuated, and in another
ar there would be very few; in fact, there is no certainty to base a calculation
on.

763. Not for any one year; but could not an approximate calculation be
de by an average over a number of years?
The calculation that I should make would be for the long period men; that
uld be the easiest; and I find that there are very few policemen that can
main doing their duty over 25 years.

764. Earl of *Airlie.*] If the object of a superannuation fund was to obtain
icient men, could not you attain the same object by having a graduated scale
pay after a certain number of years?
I do not think it would have the desired effect, because the families of the
en would suffer for that hereafter, most likely.

765. Lord *Penryhn.*] I think I understood you last time to say, that you
ould recommend the abolition of the contribution by the men themselves?
Yes, I strongly recommended that.

766. Surely if that is the case, and you provide a scale of pensions, and throw
entirely upon the county, that would increase the expense, would it not,
ough the scale might be reduced?
The proposed scale is so much reduced, that the men, although they receive
e 2½ per cent., which is now deducted from their pay, will not get so much as
they paid the 2½ per cent., and had the higher scale.

767. If the men themselves contributed nothing towards a superannuation
nd, would not it throw an additional expense upon the county?
It would; but this is thrown over fiftieths, and the county would gain by the
tension of the number of years. Our scale is much higher now when the men
bscribe to it. The men receive a great deal more in proportion now that they
ntribute to it than they would if there were no superannuation fund maintained
at present, but that fund must fail.

768. But part of that fund is now made up from the stoppages from the
en's pay?
Yes.

769. If you took away those stoppages from the pay, and thereby took away
at source of revenue to the superannuation fund, surely you would have to
pply that by a greater demand upon the county, would you not?
You would if the allowances were the same as at present, but I am now speak-
g of the English counties; the English county allowances are much higher than
ose here stated, which are framed upon the supposition that the men pay
othing. I do not know whether I make myself understood.

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770. *Chairman.*] You mean that if this plan were adopted, the amount of money paid for superannuations would be smaller than it now is?

I think it would; if the English system were made compulsory they would have to pay more than the fiftieths.

771. Earl of *Airlie.*] Is not there this advantage in making the men contribute something towards a superannuation fund, that if a man goes on for some years making that payment, it makes him more unwilling to leave the force?

I do not think a man remains because he has paid that money; but one of the main objections is what I mentioned, that the men consider that they have subscribed to a fund over which they have no control, and of which they have no management; that is one of the sources of a sort of grievance that they consider they have.

772. *Chairman.*] Are there other sources besides the contributions of the men to the superannuation fund?

Our sources in England are: the 2½ per cent. that comes out of the pay; a moiety of the penalties when the police are informers; the penalties for being drunk and disorderly; the cast-off clothing; and, lastly, in boroughs there is a most important thing, the fees for the service of summonses, and executions, and warrants; all that comes into the fund. The boroughs differ from the counties in this respect, because, in their last Act, they got that put in; that has been the source of very large profit to their funds.

773. Earl of *Airlie.*] Does Dr. Farr propose, in his plan, that any allowance should be made to the widows of policemen?

I do not know that Dr. Farr does, but we have the power to give one year's pay to the widow of a policeman. There is nothing given, however, to the orphan children; that is a subject which has been brought under my notice; it does appear hard that when the children are orphans, and have nobody to look to, as is frequently the case, they should have to go into the workhouse, which they would often have to do. Therefore it has been proposed to give one year's pay to the orphans also.

774. Are you in favour of that?

I am, decidedly, in favour of it, under certain restrictions.

775. Would it not be fair, in case allowances are given to the widows and orphan children of policemen, that the men should contribute something towards them?

They might do so voluntarily; you should confine it to a voluntary payment. I do not think we could order the men to pay so much; we should have to alter all our conditions of service. I am happy to say that there is an attempt being made to establish an orphan asylum for the police, and if we can establish that, it will help us very much, by preventing that expense from coming upon the rate.

776. Lord *Penrhyn.*] I do not quite understand how you calculate that the diminished rates of pension would enable the superannuation fund to be kept up without any contribution from the county if you took away the contribution by the men?

I say, with the contribution from the men, it cannot be kept up. I am quite against the fund, because it is breaking up every day. I have a return here which tells us that in 21 years such a fund will begin to be drawn upon, and that in 30 years it will break down. In consequence of that, all our county funds are in the state I have described; that has brought it under my notice. I find that the county funds are vanishing; in some counties they cannot take the men on, and in a few years it will all go like the metropolitan fund.

777. Are there any cases in which sums have been paid out of the county rates for the purposes of a superannuation fund?

Yes, they have done it in some cases, but I do not think they have done it legally, because, as I read the Act, they are obliged to let all the capital go before they can come upon the ratepayers. One or two counties, at this moment, are drawing upon their capital, and some have paid it by a rate, but I cannot see the legality of that.

778. *Chairman.*] Upon the first establishing of a fund, of course there would be very little outgoing for a number of years?

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The outgoing is very likely for 15 or 20 years very small, then it begins to be t all at once, then a great pressure comes, and that is what has broken the tropolitan fund. After their 15 years' service there came an immense number men upon the fund, and it went on from year to year, until in 10 years the d had all vanished. I understood the other day that the amount of superannu- on now paid comes to 62,000 *l.* a year, and I think that the ratepayers are ing out of that amount 42,000 *l.*, the superannuation fund having vanished.

779. Earl of *Airlie*.] How was the superannuation fund invested, in the case the metropolitan police?

Superannuation funds are invested in various ways; sometimes the county or rough borrow the money, if they want money; if there is a certain sum, say ,000 *l.*, in the fund, the magistrates, if they want to borrow money upon the e, sometimes apply that, otherwise it is chiefly invested in the Three per Cents.

780. *Chairman.*] When a fund falls short, and is getting a little low, they vertheless make up the difference from the rates, may they not?

Not as long as the fund lasts; I look upon it as illegal.

781. Must they exhaust the whole of the fund before they come upon the es?

That is my reading of the law, certainly.

782. Supposing the whole fund to be exhausted, they have a perfect power give the same amount of pension to a man as if it had not been exhausted, ve they not?

Yes; that is provided for by Act of Parliament.

783. Is it the case that in practice, when the fund becomes low, the pensions the men are smaller than the men have reasonable grounds to expect?

I think they are. I have known some cases in which the pensions have been ry low indeed in some counties in consequence of that.

784. The amount of pension given is at the discretion of the chief nstable?

It is given on the recommendation of the chief constable, but it has to be con- med by the court of quarter sessions; but they cannot alter his recommendation, ich, I think, is very undesirable.

785. Lord *Penrhyn.*] At present, according to your interpretation of the law, would be illegal to make a contribution from the rates as long as there was ything remaining in the superannuation fund?

That is my own personal opinion of the interpretation of the Act.

786. Earl of *Airlie.*] Can you tell us how many years the metropolitan fund s in existence before the pressure began to be felt upon it?

I have got it from Dr. Farr's report, which, I presume, to be quite correct. I understand, the force was formed in 1829, and they were 10 years before ey began their fund, which was, of course, very much against them. In 1839 ey began their fund, and the excess of outgo commenced 10 years afterwards. e excess of receipts went on for 10 years, and after 10 years they began diminish, then the outgo became larger than the receipts, and that went on l the year 1860, when the whole of the fund was gone.

787. Would it not be better in the case of a fund of that kind, when the essure takes place upon it after a certain number of years, to invest it in rminable annuities, rather than in the Three per Cents. because in the Three r Cents. there is always a risk of buying at a high price, and having to ll at a low price?

It would be better to get a large interest; but I do not think that any com- on interest would support the fund sufficiently.

788. *Chairman.*] With the example of England before us, therefore you ink it would be a mistake to adopt a similar system in Scotland; you think should not trust too much to the contributions of the men for superannuation?

I think Scotland would be in a worse situation, for this reason: I believe your rce has been established a certain number of years now. We began our nd when we began our force, and therefore we had a much better ance. Yours would be more like the metropolitan superannuation fund, where

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where they were eight or 10 years running without any important outgo, an then it came upon them heavily.

789. Lord *Penrhyn.*] Besides which there is this difference, that in Englan you have the fines applied to the superannuation fund, which does not take pla in Scotland?

Yes; I do not see what fund could be formed in Scotland; the 2½ per cen from the men would not form any fund of any consequence whatever. Sup posing the whole amount was 1,000 *l.* a year, 25 *l.* a year would be all that yo would get from the men's contribution. One man would take it in a year.

790. At any rate, from whatever source the fund is derived, you think the ought to be an alteration in the scale of pensions?

I do; and in the period at which men should be entitled to it.

791. And that it should be based on service, and not on age, except in case when a man has been disabled by some violence while on duty.

Yes; that is entirely my opinion. I think that service should supersede age and if a man is seriously wounded, he should be entitled to a pension. I thin for the shorter services it should be limited to a certain period, so that the might re-appear, and you might see that the men had not recovered and got ver good incomes. I have known cases where men of short service have receive large pensions, and are receiving them now, although they hold very lucrativ appointments. Therefore I think that for all short services—I mean under 2 years—there should be a limit to the period for which the pension is granted and that the men should re-appear, and there should be power to re-grant the pension for life.

792. Earl of *Airlie.*] I think one reason you gave for the pressure upon the metropolitan superannuation fund beginning so soon was, that a number of men who were in the force at the time of the formation of the fund having been a long time in the service, became entitled to a pension within a very few years?

I believe that was the case in the metropolis, but was not the case with the county funds, because they began with the fund when they established the force.

793. It was not the case in the counties?

No, the counties began the fund at once, and the boroughs, most of them, had funds, but their funds became merged in the present superannuation fund under the Act of Parliament.

794. Supposing a fund to be formed by contribution out of the rates, and not by deduction from the pay of the men, you might then, of course, make any regulation you please with regard to it. You might provide that no man should be entitled to superannuation who had entered the force before a certain year?

All those things might be arranged upon the new formation of any fund. The difficulty we have in England arises from having our old fund, and the claims upon the old fund to act upon; but, as Dr. Farr says in his report, it is much easier to establish a new fund than to put an old one to rights.

795. Lord *Penrhyn.*] Might it not be the case that there might be a pressure upon the fund at one particular moment, which would not continue afterwards; for instance, in the case of the Metropolitan Police, a very large force was raised at one time, and consequently all of those men so raised at one time would come alltogether in a body upon the superannuation fund; there would, therefore, be a greater pressure upon it just then than there would be afterwards, when the claims upon the superannuation fund would keep dropping in in a much smaller proportion?

It is the same in the counties?

796. But might not that create the pressure which is felt very seriously now, and which may not exist for the future?

Yes, no doubt those men all came at the same time, and therefore, most of them are going at the same time. Still, with all that, the fund would not stand the common run of men leaving the service.

797. The fund would not stand the common pressure upon it?

No, I am sure it would not, from what I have read and from what I know.

798. Earl of *Airlie.*] Supposing you established your fund next year, in 1869, and

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and provided that no one should be entitled to a superannuation who had joined the force before that year, of course 15 years' service being the limit there would be no pressure upon the fund for 15 years?

That has been the case in some instances where they have allowed them to go with half their time, but that has been where they have subscribed.

799. I am supposing a case in which the men do not subscribe, but in which the superannuation is raised out of the rates?

There might be a new arrangement of the conditions of service; as far as our present conditions of service go, of course the men who are already in the force consider they have a claim to pension.

800. Lord *Penrhyn.*] Have you ever made a calculation in any county of what the sums required would be to make up the pensions to a proper scale, independently of the contributions of the men?

I cannot say that I can calculate it any more than this—I can calculate the probable amount of service of the men from what I find in the general police service. The service is very severe; a man, generally speaking, cannot stand it above 25 years. Therefore, I should say that in 25 years there would be so many men go out; but the men who would go before from casual accidents I cannot calculate at all.

801. My question was with regard to the probable expense to be thrown upon counties if they were to find the means of supporting a superannuation fund, independently of the contribution of the men?

I cannot say what it would be, because in some counties they lose the men much earlier than in others. Our great enemy in the way of disease is bronchitis. In some counties they lose a great many more men from that and other causes than in others.

802. *Chairman.*] Is there any return giving the amount of the contributions of the men of the different forces, and the contributions to the fund from fines, and so forth?

I think Dr. Farr gave it in his Report, under the head of Receipts and Payments of the Police Superannuation Fund in 1864. He gives it for the boroughs at page 48, and for the counties there is the same return, I know. He there gives you the amount of pay in one column, and the deductions for sickness, the fines from constables, and everything that forms the fund; and the same thing is given in a table with reference to the counties.

803. Earl of *Airlie.*] Do you think it would be advisable that a portion of the superannuation money should be given out of the Consolidated Fund, in the same manner as a portion of the other police expenses is given?

I should be very glad to see it, if we could get it. There is one point that I am not at all clear upon; that is, that I am not sure that the Consolidated Fund does not pay the superannuation of the Irish constabulary. I think, if we pay towards that, we might have some claim upon the Treasury. The only thing I am afraid of is, that, if it is given in a large proportion, it is sometimes given away rather laxly by those who distribute it.

804. Lord *Penrhyn.*] You mean if the Government pays, and other people distribute, there would not be the same economical view of the thing that there would be if the people who distributed found the money themselves?

Yes; but I think a proportion might fairly be given by the Government if we gave up the 2½ per cent., because the Government are actually paying their proportion of the 2½ per cent., and, of course, then they would not have to pay that; if it is struck off from the men, which I hope it will not be, then, of course, the Government will receive a small amount back.

805. Earl of *Airlie.*] I think the 25 per cent. now allowed by the Treasury, is only allowed when the Secretary of State for the Home Department is satisfied of the efficiency of the force?

It is my duty to report upon that, and my report goes to the Home Secretary, and he gives a certificate at his pleasure to the House of Lords and the House of Commons; and upon that the Treasury pay the 25 per cent.

806. Then, if the establishment of this superannuation fund is a necessary condition of the efficiency of the force, one would suppose that it would be reasonable

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reasonable that a contribution should be made by the Government towards that also.

807. Lord *Penrhyn.*] If your plan is carried out, that the pensions or gratuities should depend upon the length of service, and should be upon a fixed scale relative to that length of service, that would obviate to some extent, would it not, the want of economy in granting the pensions, because it would then be done upon a fixed scale, which might be settled by the Government; it could be done in no other way in fact?

Yes, I think it might be done so; but the only question is, whether there is any chance of getting it done; I should like to see it, and I think the men themselves would feel it a great advantage.

808. Earl of *Lauderdale.*] All the pension given in the army and navy, and to the Irish constabulary, depends upon the length of service; and unless a man is a downright bad character, nothing can deprive him of his pension; do you not think that that ought to be the rule in the police?

That is what I propose; I propose that it should depend upon the length of service.

809. There ought to be a fixed scale, ought there not?

There ought to be a fixed scale, and every man should know that he receives a pension at a certain time; that is to say, after such and such a service.

810. *Chairman.*] Do you know if there is any one who can give us information with regard to the Irish constabulary, as to whether the Government contributes to it out of the Consolidated Fund or not?

If you would allow me, I would get the information from the Home Office; I mean as to the payments; what proportion is paid by the Government, and what is paid by the country.

811. Earl of *Airlie.*] I suppose as to the Irish constabulary there is no doubt, because they are paid entirely out of the Consolidated Fund; the question is, as to the Dublin constabulary?

I do not see anything in this Act about it, but I could find it out.

812. Lord *Penrhyn.*] In what year was the Act passed which formed the Irish constabulary force?

This is an Irish Constabulary Act; but this is the Amending Act of 1866.

813. What Act does it refer to; if it amends an Act, it will give the Act which it amends?

The 10th & 11th Victoria, chapter 100.

814. *Chairman.*] The chief constables have the power of dismissal entirely, have they not?

Entirely.

815. Without any reference to any other parties?

They have entirely the power of appointment and dismissal.

816. Is that power, which is a considerable one, necessary?

It is a very large power; but I do not think that the discipline could be properly carried out without it.

817. Earl of *Lauderdale.*] If the chief constable has the power of dismissal and appointment, do you think it is right that he should have the right of preventing a man who was entitled to a gratuity for a lengthened service, from getting it?

Not after a lengthened period of service.

818. I mean a gratuity for length of service?

No; I think when a man has served the number of years at which he ought to be entitled to it, the chief constable should have no power of stopping it.

819. He should have no power of preventing the man's getting it?

No; because he must be a good man, or else he would have been turned out of the service long before.

820. And although he might be a bad man in the last year, it would be hard to deprive him of his pension on that account?

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As long as he is in the force, I consider that he should have a right to it after a lengthened period of service.

821. *Chairman.*] Would you consider that he ought to have a right to the full amount, or to part of it?

To the amount that is fixed by the authorities, whoever they may be. I think a fixed sum is much better than leaving it in doubt.

822. You reported, in your last report, upon the inefficiency of some of the borough forces; the forces at Oxford and Bridgnorth you reported to be inefficient; in what way are they inefficient?

Oxford is in a very peculiar situation; there is a University force and a city force.

823. The point I wanted to arrive at in asking you that question, was as to whether generally you thought that the independent bodies of police separate from the counties were prejudicial to the public service or not; whether, in short, the public service would not be better looked after if there were a consolidation of the borough and county forces?

I have no hesitation in saying that that would be a most important thing to obtain; but there are immense difficulties from the jealousy of the different authorities in the way of the consolidation. I am happy to say that I have consolidated a great many in my district, and I must say that all the persons who were most opposed to it have been converts to the consolidation. Some of them were very much opposed to it; but when it has been put in force, I invariably find them acting upon it with very great satisfaction. It was only last week that I was at Bury St. Edmunds, where they have a population of 16,000 odd, and have consolidated their police with the county. The mayor and other authorities came down to me to express their satisfaction at the effect of the consolidation. The large borough of Dudley, with a population of 44,000, is consolidated with the county of Worcester with very good results; and the same thing happens in every force, as far as I know, where they have consolidated. The consolidations are 23 in number, and they all give satisfaction. On the other hand, I must say that the other small boroughs give me every trouble. Things cannot go right without consolidation where the population is small. The difficulty we have is really with the small boroughs, and not with the large ones.

824. Have you much duty connected with vagrancy?

I have been very anxious about it for a great many years, and I have reported upon it for a great many years.

825. Vagrancy is on the increase, is it not?

Very much indeed.

826. Earl of *Airlie.*] But you have a Vagrant Act in England; you can take up vagrants?

We have a Vagrant Act, but it is not properly enforced.

827. *Chairman.*] What is your definition of a vagrant?

A man who cannot give a proper account of his mode of life; a man who is going from place to place, wandering abroad.

828. Is that the legal definition, or is it an arbitrary one?

That has been my own definition of it, based upon the construction of the Act. Destitute wayfarers are liable to be taken up upon vagrancy, if they are found begging, or if they cannot give an account of themselves; they may receive relief as destitute wayfarers. But a professional tramp I consider to be quite of a different class altogether.

829. Earl of *Airlie.*] You say that the Vagrant Act is not properly enforced; why is it not properly enforced?

I cannot say why; I only state the fact. In my report, in touching upon vagrancy, I give the numbers proceeded against in several counties, some of them adjoining one another. The number proceeded against shows the action of the police to be different in one county from another. In Bedfordshire, in the year 1866-67, there were 10 proceeded against for begging, and for having no means of subsistence, 16; that is 26; in Buckinghamshire 22 were proceeded against for begging, and 56 for having no means of subsistence, that is 78; in Derby, 80. I need not go through them all. Then I get

I get to Lincoln, where I find that 522 were proceeded against; and in Staffordshire also there were a great many; in the neighbouring counties, they do not appear to have had them brought up, or to have punished them; I mentioned this in my report. Only yesterday I saw the chief constable of the county of Oxford; he has taken the same line that Lincolnshire and Staffordshire did; he has had all the men who could not give a good account of themselves up before the magistrate, and the magistrates have been very active in committing them to gaol. In other counties, when they are brought up, the magistrates very rarely commit a man to gaol. The consequence of that is, that in Oxfordshire the chief constable told me that he had more than 100 (I forget the exact number) up lately, and the result is, there is hardly a beggar to be seen in the county now, for they all know that they will be taken up. If the whole of England was to act upon that principle, I have no doubt that we could get rid of a great many of those troublesome people.

830. Then the law is sufficient?

I think the vagrant law is sufficient for a good deal. I think the Poor Law Board, with the vagrant law, might help us very much, but it wants a system.

831. What do you mean by the Poor Law Board helping you; do you mean that they should refuse relief to people of that kind?

No; but if they would sanction the police acting as assistant relieving officers, and if they would classify the tramp wards, and have the tramp wards properly looked after, I think we should be taking a great step in the right direction, for in the county of Essex, where the police were appointed assistant relieving officers, in the first year, I think they reduced the number by some thousands; now it is only half carried out, one county does it and another does not; in fact, one union does it and another does not, but if it was put in force regularly, I think it would be very advisable. I should like to mention that there is a great trial of a system now going on under the plan of Mr. Baker, of Hardwick-court; there are several counties trying it now. This plan is to make a man who wants relief, apply to the officer, either a policeman or the tramp master, for a ticket to the workhouse—to the tramp ward. When he has got it, before he goes next morning, he has to do three or four hours' work, he must then state where he is going. Supposing he is going to Birmingham or to Bristol, he says so, and he is then given a ticket, and that ticket gives him admission to the next workhouse, free of labour; there is no more task labour at all, they are well treated, and they are passed on the road to the last stage. Of course, if they do not go to the next workhouse, then they are taken up by the police as vagrants, or else if they go to a workhouse, they have got to begin their task again. It is a very interesting subject to me. I believe the plan might do a great deal of good if it was general, but about five or six counties are now working it on trial.

832. Lord *Penrhyn.*] It requires a certain test, in the way of a man going a certain distance also, does not it?

The workhouses are within, say, 20 miles; some of them are within a less distance; but the great difficulty is in the workhouses being too far apart. They want to establish tramp wards at some police station between those two workhouses where the distance is too great. But if the distance is within a fair day's journey, they consider a man ought to go all the way, and then he should be properly received; but I believe myself, from what I have heard, that this system is very much disturbed by some of the unions treating them too harshly, and not giving them fair food when they do bring the ticket. In consequence of this, those people who are charitably inclined think the men have been hardly treated, and they are constantly giving them money, or bread, or food, and encouraging them to go about the country. But when the boards of guardians have given them fair and proper food, and treated them properly when they have brought their ticket, the indiscriminate charity is withheld. The plan is doing, I believe, a great deal of good.

833. Earl of *Airlie.*] There was a case the other day in one of the southern counties, I think at Guildford, which was brought under the notice of Parliament, with regard to tramps being refused relief?

Yes.

834. You think that that is an unwise course for boards of guardians to take, and one which is likely rather to encourage vagrancy?

I think

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I think it ought to be subject to some test or examination, because otherwise ou would be giving them all their night's lodging; they would come there at a ertain time one night, and stay till the next night; they would certainly have o do their work if they did not continue their route.

835. You think that these tramps ought to have relief given them only under upervision?

Yes, generally; I do not say that positive tramps should get it, but it is difficult o find out who is a real wayfarer, and who is a professional tramp; the profesonal tramp, I think, the magistrates ought to deal with.

836. Lord *Penrhyn.*] The difficulty is, to distinguish between men who are oing about the country for the purpose of getting work, and men who are going ound for the purpose of begging?

Yes; but the police have their books in which they enter vagrants, and they ould know a man when he came back. They would very soon distinguish them the system were properly carried out.

837. Earl of *Lauderdale.*] If a vagrant applies some night for relief, and he s in a state of starvation, he ought to be relieved, ought he not?

No doubt he ought to be relieved, if he is a destitute man.

838. But the next morning he ought to be prosecuted?

Yes; if he is found to be a man who has broken the law, but a destitute man oes not break the law at all, if he is merely a wayfarer.

839. If he is a vagrant?

If he is begging, he does.

840. If he is a noted beggar, and the police know him to be a beggar?

If the police have proof that he has been begging or breaking the law, then e comes under the Vagrant Act; but they must have proof of it.

841. But if he is found starving, he ought to get relief?

Yes; by the Poor Law, every destitute man is entitled to be relieved.

842. Earl of *Airlie.*] With regard to hawkers, can any one get a hawker's icense on applying for it, and paying for it, or is there any limitation?

They must have persons to be responsible for them.

843. Lord *Oxenfoord.*] Responsible for their character?

Yes; at least I believe that that is the case.

844. *Chairman.*] You have a "Police Gazette" established in London, have you not?

There is a "Police Gazette," in which deserters and bad characters, and ticket-of-leave men who have broken their condition, are entered, and a very good thing it is.

845. You think it is desirable?

I think it is very desirable.

846. Are there any detectives attached to the office where the "Gazette" is published?

I do not know; it is published at the metropolitan office.

847. Earl of *Airlie.*] Does the system work well of placing the ticket-of-leave men now under the supervision of the police?

Yes; I have no doubt that it is most important, both to the ticket-of-leave men and to the public. In the first year we had a great many more than we have now; but I attribute that very much to the men having to undergo a longer period now before they get their ticket, generally speaking. The policemen have been of very great assistance to them. In my report I return the number every year, and I find that two-thirds of them certainly are befriended by the policemen. They get into work; they do not at all object to coming to the police, as some people thought they would; on the contrary, they find the policemen are their friends, they make it as easy as possible for them to appear at the stated period once a month. The Act, I think, has operated very well indeed; I am sure that it has for the public, and also I think for the ticket-of-leave men.

848. *Chairman.*]

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848. *Chairman.*] Do you happen to know at whose expense the "Police Gazette" is kept up?

I think it comes under the Home Office; I am not quite certain.

849. It is not paid for out of the rates?

No; it is circulated all over the county.

850. Lord *Penrhyn.*] You have found it of use, have you not, in the detection of crime, and in giving advice to the different forces in the country?

It is very useful; but for the sake of economy, I suppose, they have restricted the number very much, and it is very difficult to get sufficient for our men, scattered as they are all over England, and the consequence is that they often let a man pass through not having it.

851. You mean that the circulation of it is restricted?

Yes; the circulation has been restricted, during the last few years, very much. We apply for it occasionally. Some of my chief constables apply for it; but it is very difficult to get the number we really want. I should like to see it circulated extensively. I should like it to be in the hands of a man quite at a distance, because now a notorious man passes him; he has nothing to go by.

852. *Chairman.*] We heard, in evidence, at our last sitting, that when a town had spread beyond its original boundaries, there was a difficulty in carrying out the law as strictly as was desirable, because the Borough Acts did not apply to that portion of the town which was outside the original boundaries; does that come within your experience?

Several of the boroughs that I have to inspect have large hamlets belonging to the county.

853. Is the law less stringent in regard to certain classes of offences committed in the extended limits of those towns than in the borough itself?

I do not find that, because I find that the police of the county, who take charge of the outlying hamlets, is quite as efficient as the borough police. I do not know of any difficulty arising from that, because all the forces I have anything to do with communicate constantly with each other; they have night and day communication, they work together as one force.

854. Lord *Penhryn.*] But in any of those boroughs which are within your district, are there powers of regulating public-houses, or any other additional provisions, by their municipal Acts, which give them a greater check over crime than there is in the counties?

There may be some local Acts.

855. I mean under local Acts?

That may be the case here and there, but I do not think it is the case generally speaking. I should say that generally the county hamlet is taken quite as good care of as the borough, particularly as they all now act together, I think, without jealousy, and on friendly terms; they communcate just as if they formed one body. The constables have the same power in either case. I have brought with me the returns that we send into the Home Office. They are sent in every quarter to the magistrates in quarter sessions, and annually to the Home Office; that is the way in which we collect our criminal returns. It is through the chief constable, and he gets them through his superintendents. They all keep books of the criminal occurrences; everything that occurs the superintendent is bound to put down as soon as he is acquainted with it; from that the men are taken up, and then they get into what we call the charge sheet; the charge sheet goes to the head quarters. The chief constable collects these charge sheets, and from these returns are made, and from these returns the judicial statistics are compiled.

856. *Chairman.*] Will you put those in?

Yes.—[*The same are handed in.*]

857. Lord *Penrhyn.*] Is that system carried out in all the districts in England?

Yes; they are bound to do that by the Secretary of State's orders, both in boroughs and in counties.

858. Does that return include the per-centage of detection?

Yes; if I were to find anything wrong in any returns of any county or borough I inspected,

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inspected, I should report that as an inefficient force, because I do not think hat there can be anything more faulty than false returns. I certainly do not hink the Government ought to pay anything to a force which makes them.

859. Is the per-centage of detection shown in all the returns of all the different istricts?

Yes.

860. Equally throughout England?

Yes; the Government send down a form in which the number of offences com- itted, and the number of persons apprehended and committed, are to be shown; ut you will allow me to say that I have suggested another column, for I find at it is very faulty in this respect. The crimes reported and persons committed o not tally, because there may be 14 persons committed for one offence, and I ave recommended them to have one column for detection, so that there would e "crimes committed" and "crimes detected," and then they would tally, be- ause 14 persons are sometimes committed for one offence, and sometimes one an is committed for three or four offences.

The Witness is directed to withdraw.

Mr. ALFRED JOHN LIST, is called in; and Examined, as follows:

Mr. *A. J. List.*

861. *Chairman.*] You are the Chief Constable of the county of Midlothian, think.

I am.

862. Formerly you belonged to the metropolitan force, did you not?

Yes, I commenced with the metropolitan force in the year 1829.

863. Have you ever thought of the propriety of establishing a superannuation und in Scotland?

I have always felt the necessity of such a fund in Scotland.

864. You think it would add to the efficiency of the police?

Most assuredly; as it would tend to retain experienced men in the service.

865. Have you ever made up your mind at all as to what system you would o upon in establishing a fund, or whether you would make payments of pen- ions out of the rates?

I think that there should be a deduction from the men's pay, for this reason, hat after a man had contributed for several years, I think it would attach him ore to the force; a payment out of the rates, I think, would be objectionable.

866. You think it is desirable that the men should contribute something?

Yes, I think it is desirable that they should contribute a per-centage.

867. Have you any idea of what you would think a moderate sum for them to ontribute?

A per-centage would require to be augmented in Scotland to a larger propor- ion than it is in England, owing to the limited number of police as compared ith England, but I think it might be augmented. I believe the magistrates n England have the power of apportioning a part of the fines for offences nder certain Acts to the superannuation fund, but in Scotland the sheriffs and heir substitutes try a number of minor offences summarily, under 9 Geo. IV., ap. 29; and impose penalties not exceeding 10 *l.*, or 60 days' imprisonment; hose fines are paid over to the Exchequer. In the county of Midlothian, they verage now from 200 *l.* to 250 *l.* a year. I would suggest that they should go o the superannuation fund, as well as the fines imposed by the justices of the eace in the justice of the peace courts, where the statute does not provide for he application of them otherwise; these fines, with 2½ per cent. from the pay, ould, in my opinion, raise an ample fund.

868. You would follow the analogy of England in that respect?

Yes.

869. Is there any return for each county of the amount of fines, such as those ou have described?

The annual return of the revenue and expenditure of the several counties hows, or should show, the amount of fines recovered in the justice of the peace courts;

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courts; but those of the sheriffs' are not shown, for they are only accounted for by the sheriffs' fiscal to the Queen's Remembrancer.

870. Does not that appear in any public paper?
No; I do not think it does unless in the Civil Service Estimates.

871. Do you think that a pension ought to be given in consequence of length of service, or do you think that there should be a limitation of age?
It should be given for length of service, age, and injuries received. But, in regard to length of service, I may observe that I have reason to believe that, in the metropolitan police, the fund was in the early stages somewhat abused; men, after having served their full time, were superannuated, and while obtaining their superannuations got employments in other police forces. Now I certainly would make it a *sine quâ non* that a man, when superannuated from a police force, should not take other employment. If he did he should lose his pension. I know a number of officers, who joined when I was connected with the metropolitan force, who are now members of police in other parts of England.

872. They draw their pensions from the metropolitan police, and go on serving in other counties?
Yes; for instance, the superintendent at Leamington is a superannuated officer from the metropolitan force.

873. Earl of *Lauderdale.*] You recommend, do you not, that they should have a pension for length of service?
Yes; I think a pension should be given after a man acquires a fixed length of service, or reaches a certain age.

874. But then he may be of considerable age, and yet may have served scarcely any time at all?
Then I would lessen the scale of allowance that he is to receive.

875. Do you not think that the pension ought to depend more upon length of service than anything else?
Yes; but in both cases they should be medically certified to be either mentally or physically unfit for duty.

876. *Chairman.*] Do you think that the amount ought to be a fixed amount, or that it ought to be subject to limitation, according to the discretion of the chief constable, or some other person?
In Scotland I think it ought to be according to the discretion of the chief constable and the police committee.

877. You would not absolutely insure any portion of it?
No, unless under special circumstances.

878. Would not that make men rather uncertain as to whether it was worth while to go on with the service, or not?
No; as I before observed, I think, having contributed a certain per-centage towards the fund, they would view it as having paid so much money, and they would consider that they were entitled to an allowance, and consequently they would value their situations, and try to retain them, as a means of getting a larger sum.

879. You rather approve of a deduction being made from the pay?
I think it would be desirable, as it would tend to make them value their appointment.

880. Do you think it is necessary to give gratuities to the widows as well as pensions to the men?
Yes; in many instances, if such a provision was not made, they would be thrown upon the parish.

881. I suppose you have no means of information as to what would be the feelings of the ratepayers if an additional tax were proposed for this purpose?
No, I have not; but if it was a rate to create such a fund, I think it would be objected to; and if widows did not get some assistance they would be thrown on the parish.

882. I was not talking of vagrancy?
No; but I say that the policemen's widows would not be relieved in Scotland, because

because they would be considered able-bodied persons, and such persons are not relieved.

883. Colonel Kinloch, when he was here the other day, said that he thought it was undesirable that the men should be contributors to the fund, because in that case they imagined that they had an absolute right to a pension?

As I before observed, I would regulate it; the scale of pension allowed them should be according to the length of service; if they had served for a short time only it should be very small, or rather, it should be in the shape of a gratuity; they should only acquire a fixed superannuation after a fixed period of service, age, or injuries received in the discharge of their duty.

884. Earl of *Morton.*] Supposing a man had been only five years in the service?

Then I would only give him a small gratuity, and to be fixed by the police committee.

885. *Chairman.*] But after contributing for a long series of years, he is liable to retire without any pension at all, according to your view?

Yes, he may do so, according to my view; but he must be medically reported. I would make it a condition that they must be unfit for duty.

886. Supposing they were medically reported as being proper persons to be allowed to retire, then would you desire the sum given to them to be a fixed sum?

Most assuredly I would.

887. Lord *Penrhyn.*] I think you said that you would take age into consideration as well as length of service?

Yes.

888. Up to what age would you enlist a man in the force?

Up to 35.

889. *Chairman.*] You have been connected with the police of Midlothian ever since its establishment, I think?

Yes; I organised it in the year 1840.

890. On the whole it has been working very harmoniously, I believe?

It has.

891. I think you are one of the few chief constables who act as prosecutors in the justice of peace courts?

Yes; I act as public prosecutor in the justice of peace courts; such an office does not exist in England.

892. Have you held that office ever since the police was established in Midlothian?

Yes; I suggested that I should be appointed. The police of Midlothian was established in the year 1840; the old Rogue Money, which was a very ancient institution, was augmented in the year 1840 by an Act enabling the counties to establish a constabulary force, I think at the requisition of 10 or 12 commissioners of supply. Midlothian is one of those counties which availed themselves of that Act; but there were complaints on the part of some of the commissioners of supply as to the expense. On that account I recommended that they should appoint me. Previous to that time the fines recovered scarcely covered the expense of the prosecution; when a legal man conducted them, his charges exceeded the fines recovered; I proposed that they should appoint me to prosecute for offences, with a view of economy, which was done; that continued till the year 1857, when the General Act was passed. I was then desirous to resign the office; but it was found so profitable an arrangement in Midlothian, that the commissioners of supply continued me as justice of the peace fiscal. But in principle I do not approve of it; I think that the chief constable's duty should be confined to working the police establishment, and that the prosecution for offences should be at the instance of a legal man. The chief constable may be a very good police officer, but he may not possess the legal knowledge necessary for the prosecution of various offences.

893. But,

893. But, on the score of economy, the county has preferred the system of combining the offices in one person?

Yes.

894. I suppose the county has no right to require the chief constable to act as justice of the peace fiscal?

No; I believe there are but few counties in Scotland where it does exist.

895. Is there any extra salary attached to the office of justice of the peace fiscal?

No, that is where the saving is; I perform the duties of the justice of peace fiscal for the salary I receive as chief constable, whereas, in other counties where a legal man is appointed, the penalties scarcely cover the expense of the prosecutions.

896. Are there several justice of peace courts in the county?

We have two.

897. Only one in Edinburgh?

We have one in Edinburgh and one in Dalkeith.

898. Lord *Oxenfoord.*] There is one at Dalkeith, is not there?

Yes; the same justice of peace clerk takes charge both of Edinburgh and Dalkeith.

899. *Chairman.*] What class of cases come before your court?

Day poaching and public house offences, and minor offences. I do not take cognizance of any offence for the prosecution where the length of imprisonment exceeds 60 days.

900. In some of the acts I think an option is given as to what kind of offence should be tried in the justice of peace courts?

Yes, there is a difficulty arising from that. In many acts, the public prosecutor is not mentioned; the prosecution is at the instance of any person who may inform. Now the difficulty that we have to contend against is, that the sheriff's fiscal will not take cognizance of those offences under the statutes, because he is not mentioned in them, but in those Acts of Parliament he is mentioned. Then it is imperative upon the sheriff's fiscal to take cognizance of offences under these statutes.

901. Who are the parties who settle in which court an offence shall be tried?

I think that depends on the nature of the crime or offence; if it is a minor offence there is power under the Sheriffs' Summary Act of trying it before the sheriff's substitute, but if it is one involving pleas of the Crown, they are to take a precognition, and then report it to the Crown agent.

902. In cases where the offence may be tried in either of the courts, who decides in which court it is to be tried?

The sheriff's fiscal decides that himself, but as I observed before with regard to a number of different offences under different statutes, where the sheriff's fiscal is mentioned, it is imperative upon him to prosecute, but where he is not mentioned, the sheriff's fiscal will not take cognizance of it.

903. Does not it happen that they are anxious to get cases which might otherwise have been brought before the justice of peace courts?

No; I am not aware of it.

904. Not in any poaching or fishing cases?

We have no fishing cases; that would not apply to our county; I take cognizance of day poaching cases, but the night poaching cases, in consequence of it being a very penal statute, the sheriff's fiscal takes cognizance of them.

905. The day poaching cases are all brought before the justices, are they not?

Yes; entirely in Midlothian.

906. But they may be brought before the sheriff?

Yes, they could be brought before the sheriff; but as I am the justice of peace fiscal, I take cognizance of all that class of offences.

907. Lord

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907. Lord *Penrhyn.*] Did you not say that you made a distinction between ose cases, the penalty for which was under 30 days' imprisonment, and those ses for which it was over 30 days' imprisonment; you said that you did not take gnizance of any of those offences where the penalty was over 30 days' imprisonent, did you not?
I was in error there; the imprisonment is above 30 days for day poaching.

908. Where do the fines go which are imposed in the justice of peace urts?
The poaching penalties go as the Act provides, to the parish in which the ffence is committed.

909. Where does it go?
To the session clerk of the parish or the inspector of poor of the parish.

910. In the case of other offences which are brought before your court, what ecomes of the penalties?
They go to the police fund, unless otherwise directed.

911. Where do those fines which are imposed in the other court, the prourator fiscal's, or the sheriff's court go?
They are paid over to the Queen's Remembrancer.

912. The fines are applied differently in the two courts?
They are applied quite differently.

913. *Chairman.*] It is more expensive in some cases to prosecute in the ustice of peace court than in the sheriff's court, is it not?
It is.

914. Lord *Oxenfoord.*] What do you mean by the police fund?
The police rate.

915. Those fines are applied in aid of the rate?
Yes; the assessment of the county.

916. There is not a separate fund for the police?
No; there was in some counties a separate fund, which is indeed still in existence, and termed "Rogue Money;" it is a police fund; but in our county, we have no rogue money fund.

917. Earl of *Lauderdale.*] In Scotch counties generally, there is a rogue money fund; these fines you say go to that fund?
Yes; but since the establishment of the police in the year 1857, we may consider that the rogue money is merged into the general fund. At all events, that is the case in Midlothian. The rogue money is under a very old statute, 2 Geo. 1, c. 26, s. 12.

918. It is still rogue money by the Act?
Yes, it is still rogue money; but the Rogue Money Act was applicable to offences committed in counties, and not paid for from the Exchequer; but as the police has been extended in Scotland, it has merged into the general assessment, at least in some counties.

919. *Chairman.*] I did not hear whether, in answer to Lord Penrhyn, you made any remark upon the subject of the repayments from the Crown which are made to the county in respect of cases that are tried before the sheriffs?
I am not aware of any repayment from the Crown; we only get our proportion of the pay and clothing of the force.

920. But in cases tried in the sheriff's court, the Exchequer takes upon itself a portion of the expenses, does it not?
The procurator fiscal is paid a salary, and he conducts the prosecutions in those cases, and the payments to witnesses are allowed.

921. At the expense of the general public, not at the expense of the county?
No, not at the expense of the county.

922. So that if those cases are conducted in the sheriff's court, there is a saving as regards the county.

There is the saving of the expense of the fiscal charges, as the procurator fiscal is paid his salary from the Crown in Midlothian, and there should be no separate charge made for conducting the prosecution of those offences before the sheriff in other counties.

923. Is not the maintenance of the prisoners allowed for in certain cases?
Yes; the aliment is paid entirely by the county prison rate.

924. Under those circumstances, it is a matter of indifference to the county whether the prisoners are committed by the sheriff or the justices?
In regard to aliment, the expense is paid by Exchequer for convictions by the sheriffs, and by the county for convictions by the justices.

925. Earl of *Lauderdale.*] Are we to understand you as saying that the maintenance of all prisoners in gaol and other expenses connected with them, whether they are committed by the sheriff or by the justices, are paid in the same way by the Government or by the county?
The aliment of prisoners convicted in burghs by justices are paid from the prison rate. They have two distinct rates in Scotland, the police rate and the prison rate.

926. Whether they are committed by the sheriff or the justices?
If by the sheriff the Exchequer, or the justices the county.

927. It falls upon the county?
If by justices.

928. Lord *Penrhyn.*] And is there no repayment by the Government afterwards out of the Consolidated Fund?
We receive none but in the manner before stated.

929. *Chairman.*] Have you any separate burghs in your county?
We have two in Midlothian, Portobello and Musselburgh.

930. Are they consolidated with the county?
They are amalgamated with the county.

931. Have you had experience of the working of burgh forces separate from the county?
After the establishment of the county police in 1857, Portobello had a separate establishment, but they found after a few years the changes of men were very frequent. In fact, it did not work satisfactorily, and they applied to the county, and consolidated their police with the county.

932. Has that proved beneficial?
Since that time it has worked very satisfactorily. The same remark is applicable to the burgh of Musselburgh. We give them any number of men they require at a fixed scale. We consider the average cost of our establishment is 60 *l.* a man; and we give them any number at 45 *l.* 10 *s.* per man, and receive one-fourth from the Government for the pay and clothing.

933. The whole body of police of the county is the same force, but the burgh has some particular men, I suppose, set apart for it?
Yes, I confine those men to the burgh, but I assist the burgh on special occasions. I never withdraw those men from the burgh to any part of the county.

934. Are the men in the burgh under your command?
Entirely.

935. The magistrates have no control whatever over them?
No.

936. I suppose it is the giving up of the control that prevents certain burghs from amalgamating with the counties?

There

There was, in the first instance, some jealousy on that score, but I must say that in Midlothian it is quite removed.

937. The consolidation is under Clause 61 of the statute, I think?
Yes.

938. It is to be carried out with the agreement of the magistrates of the burgh in the first place, and the commissioners of supply of the county?
Yes; the application is made to the commissioners of supply of the county.

939. And the magistrates of the burgh are represented in the police committee?
Yes; two from each burgh.

940. So that that arrangement cannot be carried out without the consent of the commissioners of supply, who represent the ratepayers?
Yes, exactly; it is upon application to the commissioners of supply.

941. With regard to Clause 7 of the Act, which we have had under consideration, before providing for the appointment of additional constables, subject to the authority of the chief constable, is that made much use of in your county.
No; there are three instances. We have Granton Harbour, the property of the Duke of Buccleuch. His Grace has two constables stationed there; they are paid by the Duke, but they are under my charge, and their duty is confined entirely to Granton Harbour.

942. They are entirely under your control?
Entirely under my control.

943. I suppose any society or any body of persons may make application for additional constables?
Yes.

944. And it is entirely in the power of the chief constable to appoint them, supposing the sheriff to give permission.
Yes; but I think that might be improved.

945. In the clause with respect to amalgamating the burgh police with the county police, reference is made to the commissioners of supply, as representing the county?
Yes.

946. In the 7th Section no such reference is made requisite?
No; the 7th Section says that it may be done upon the application of any person setting forth the necessity of it to the sheriff or the justices of the peace.

947. The chief constable, with the approval of the sheriff, may appoint additional constables at the instance of private parties?
He may.

948. And these additional constables become part, in fact, of the general body of police.
They do.

949. The commissioners of supply, representing the ratepayers, are not consulted in the matter at all?
As the police committee are not consulted, I consider that the ratepayers are not.

950. Would there be any objection to carrying out the object of the 7th Clause in the same manner as the uniting of the burgh and county police is carried out under the 61st Clause?
It would be more satisfactory to the body of commissioners of supply and to the ratepayers if it was to be done with the sanction of the police committee.

951. You are aware that the police committee have no power whatever in it?
None.

952. So that in a county where the number of police is small, perhaps the additional constables might out-number the actual constables paid for by the county, and this additional force would be put under the command of the chief constable,

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constable, and the chief constable's time would be very much occupied in attending to the interests of the private parties rather than to the general interests of the public.

I think that would depend in a great measure upon how the chief constable works it out. If he has an application made to him for a certain number of constables for a specific purpose, and he receives the pay for them, and if he employs the county constabulary in aiding and assisting these men, I think it would be a source of complaint; but if he confined the men to the duties for which the party applied for them, and did not allow, only on special occasions, the other part of his force, or, at least, the general force that is paid for by the ratepayers, to aid them in their duties, or to assist in their duties, I think there would be no trouble. But the difficulty is how that could be avoided, for both sets of constables having police duty to perform the duties could not be very well separated.

953. Are you aware that, under the English Police Act, the employment of additional constables requires the sanction of the magistrates?

I am not fully aware of that, but I believe that that is the case. I know but little of the system in England with regard to that point. I only know about the county of Northumberland; I believe an application is made there to the magistrates.

954. Would you see any objection to introducing a provision into the Police Act to the effect that such arrangements should be submitted to the consideration of the police committee.

I see no objection whatever.

955. Lord *Oxenfoord.*] You say that the Duke of Buccleuch has two police constables for the sole purpose of protecting his property at Granton.

At Granton Harbour.

656. In the event of the Duke of Buccleuch having no police there of his own, would you not be obliged to protect that property with your county police?

I certainly should.

957. And still you would object to aid those two policemen in a case of emergency with your own men?

I aid them in this way the serjeant in that part of the county (considering that the Duke has a claim for protection), takes the charge of them, and assists an special occasions.

958. He assists them?

Yes.

959. Earl of *Airlie.*] A question has been asked you as to whether it is not desirable to submit any proposals for the employment of constables by private persons to the police committee; is not the chief constable responsible to the police committee for the management of the force?

Yes, he is responsible to the police committee, but at present it is done upon the application of the chief constable, with the sanction of the sheriff, without consulting the police committee.

960. If it were to go before the police committee, the only result would be, would it not, that it would relieve the chief constable of a certain amount of responsibility which at present attaches to him?

I do not consider that it would lessen the responsibility of the chief constable, for at present he is responsible to the police committee.

961. Would it not have that effect, if the police committee assented to his proposal?

The chief constable at present is bound to report to the police committee. Take my own case for example; I cannot report to the county, but I report to the police committee, and their report is laid before the quarter sessions, and they hold themselves responsible.

962. *Chairman.*] The money paid by private parties for additional constables never appears in the county accounts, I think?

Not with me; that money never goes into our accounts at all.

963. Lord

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963. Lord *Penrhyn.*] Have you the selection of the men?
Yes.

964. *Chairman.*] And the dismissal of them, I think?
Yes, the dismissal of them also.

965. There is the clause in the English Act, which is intended to carry out the bject which the seventh clause effects in Scotland, "Be it enacted, that it shall e lawful for the chief constable of any county, with the approval of the justices f the county in general or quarter sessions assembled (if he shall think fit), on he application of any person or persons setting forth the necessity thereof, o appoint and cause to be sworn in any additional number of constables, at any place within the limits of his authority at the charge of the person or persons by whom the application shall be made, but subject to the orders of the chief constable, and for such time as he shall think fit; and every such constable shall have all the powers, privileges, and duties of other constables appointed under his Act: Provided always, that it shall be lawful for the person or persons on whose application such appointment shall have been made, upon giving 14 days' notice in writing to the chief constable, to require that the constables so appointed shall be discontinued, and thereupon the chief constable shall discontinue such additional constables;" they are very nearly the same words as ours?
Very nearly the same.

966. With that one important distinction at the beginning of the clause, "That the approval of the justices of the county in general or quarter sessions assembled," must be given?
Yes.

967. In our case there is no such approval required?
No; I think it would be more satisfactory if such an approval were required in Scotland, as stated in my answer to Question 950.

968. Earl of *Lauderdale.*] The Scotch Act says, "The justices in general or quarter sessions assembled," does it not?
Yes.

969. Lord *Penrhyn.*] Have you many of these special or private constables in Midlothian?
I have only one other instance besides the Duke of Buccleuch's.

970. *Chairman.*] Are you required by the Act to make reports to any local authorities?
Yes; by the 26th Section of the Act the chief constable has to make reports.

971. How many different authorities are there?
We have the sheriff, the justices of the peace for the county, and the commissioners of supply; the commissioners of supply are authorities especially in a financial point of view; they have the finance part of the matter under them.

972. I think there are certain regulations by the Secretary of State which affect this matter?
Yes, it is the 5th Regulation which causes some confusion. The 5th Regulation says, "The chief constable will make quarterly a report in writing to the Sheriff and the Police Committee for the county, of the amount and effective state and operation of the force." The 26th Section of the Act says, "Every chief constable shall, when so required, make reports to the Police Committee, Sheriff, and Justices of the Peace." In the Act the police committee is named first, but in Sir George Grey's Regulations it is said that the chief constable will report to the sheriff and the police committee.

973. The same parties are named in each case?
Yes, but in different order.

974. Is there any inconvenience in making these reports in that way?
Fortunately there is not in Midlothian, but I consider that there might be in some counties where the authorities did not work so harmoniously as they do in Midlothian, because you place the chief constable in an awkward position as to whom he is to report to.

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975. No one has the right to interfere with your reports; you may report precisely as you please, I imagine?

My reports, as I stated before, are laid before the sheriff and police committee, and they report to the county from my report.

976. And you send a duplicate report to the sheriff?

Yes, I report also to the sheriff.

977. None of the parties have a right to interfere with your report in any way, have they?

At present I consider that there is that right; the sheriff might, if he thought fit, alter my report, delete a part, or suggest alterations before it is laid before the police committee.

978. Under what Act does he acquire that authority?

Under the Home Office Regulations, the 5th clause: "The chief constable will make quarterly a report in writing to the sheriff and the police committee for the county." The sheriff requires me, before my report is laid before the police committee, to submit it to him; he has not made any alteration, but I consider he might do so under the existing Home Secretary's Regulations.

979. Earl of *Airlie.*] Has he any right to require it to be sent to him first?

I suppose he considers he has the right by the Regulations, and as sheriff of the county.

980. Because he is named first?

Because he is named first in the Regulations, and as stated in my last answer.

981. *Chairman.*] But he is named second in the Act?

Yes.

982. Do you think that the order in which these parties are named gives any greater right to the one that is named first than to those that follow?

I consider that the difficulty might arise in some counties. During the 28 years that I have been in Midlothian I have acted under four sheriff principals, and I have always reported direct to the police committee until recently. On the appointment of the present sheriff, he required to see my report before it was laid before the police committee, and therefore from that I consider that in many counties there might be some disagreeables if the authorities did not work harmoniously together, for a chief constable has a divided responsibility.

983. I do not understand from the words of the Act you have read that there is any power in the sheriff to require that?

There may not be any power, but I suppose he assumes the power from the Home Office Regulations.

984. You think that the circumstance of his being named first in the Home Office Regulations gives him that power?

Yes; that, and his being, as sheriff, the head of the criminal department in the county; because it is different in Scotland from England. In Scotland the sheriff is the head of the criminal department, as regulated by the Act 20 Geo. 2, c. 43.

985. Do you mean that the sheriff could go this length, that if you wished to make a report in certain terms, the sheriff could desire you to make that report in other terms?

I consider so.

986. You think that that power would be assumed?

In accordance with the instructions that are given me, I must lay my report before him before it is presented to the quarter sessions or the police committee.

987. Would it not be quite as competent for the police committee to say that you should give the report to the police committee before it is given to the sheriff, as for the sheriff to say you should give him the report before it is given to the police committee?

It might be so; but that has not been intended.

988. Earl of *Lauderdale.*] In the 26th clause the police committee are named first?

Yes.

989. The Act provides that sheriffs' orders are to supersede the orders given y the magistrates, or any other orders given by the county?

Yes.

990. Lord *Penrhyn.*] It seems to be founded upon this: that in these structions it is laid down that "the chief constable will make, quarterly, a port in writing to the sheriff, and the police committee for the county, of the mount and effective state and operation of the force, and shall append thereto a atement of the distribution of the force, of the number of persons apprehended y the police, the nature of the charges against them, and the result of the roceedings, the number of offences reported to the police, and any other articulars which may tend to show the state of crime in the county. Immeately after the termination of each quarter, the chief constable shall transmit copy of this report to the Secretary of State for the Home Department, with copy of any note or minute made thereon by the sheriff or the police comittee;" I suppose it is on the strength of that, is it not, that the sheriff quires you to send your report to him?

He has not expressed to me the reason, but he has required it to be done.

991. *Chairman.*] If the sheriff thought there was something to remark upon, e might make a minute upon it, and then forward it to the Secretary of State?

Yes; but it appears that the rules and regulations of the Home Secretary are ated July 1858, being several months subsequent to the Act coming into operaon.

992. Lord *Penrhyn.*] That certainly seems to imply that the report which is go to the Home Office shall be previously submitted to the sheriff?

Yes; in terms of the Secretary's regulation, but not the Police Act.

993. Earl of *Lauderdale.*] I suppose there is no doubt that the sheriff is oked upon as the chief officer of the county?

Yes.

994. And if there is a dispute, his decision must be acted upon until the uestion is referred to the Home Office?

Yes.

995. *Chairman.*] You would not hold, I suppose, that the police committee would have the same right of requiring you to alter your report, as the sheriff laims?

I think the police committee should have a greater right, for this reason: that prior to the establishment of a general police force in Scotland, the expenses were paid from the rogue money, which was an old institution under the Act of the 2nd of George the First, chapter 26. There was but little crime then in Scotland. By that Act, the freeholders of the counties were to raise funds annually to defray the expense of apprehending criminals, and bringing them before the justices; but now, by the Act of 1857, which is the General Police Act, there is a larger police force maintained, and a larger sum to be raised. In fact the old rogue money was comparatively a very small assessment in Scotland; it was less than a farthing in the pound, quite a fraction; and now the rate is so far increased that I think the Commissioners of Supply should have more control over the establishment which they are paying for, than prior to the increased expense—in fact, similar to municipalities.

996. They have no power of giving orders now at all, I think?

The sheriff still retains the same powers that he used to have.

997. Have you any difficulties in Midlothian with the procurators fiscal; do they assume the same sort of authority that the sheriffs do, or as much?

I have not that difficulty now; formerly there was that difficulty. There are two classes of cases, the reported cases, and the unreported cases. The prosecution of unreported cases of minor offences, in some counties, is paid from the county funds; but in Midlothian, the sheriff's fiscal receives a fixed sum from the Exchequer to cover the expense of prosecution of both the reported and the unreported cases, and he receives no fees or allowance from our fund.

998. How does that affect the police, does the manner of paying the procurator fiscal affect the duties of the police in any way?

No; but so far as it goes, it affects the rates in this way, that what is done in one county should be done in another; they should not be paid in unreported cases

cases from the police funds in other counties, when the procurator fiscal is not paid from them in the metropolitan county.

999. Do you think the duty of bringing forward cases could be more cheaply performed through the police, than by reporting everything to the procurator fiscal?
Yes; I think it should be imperative for the police to make all preliminary investigations, and that the procurator fiscal should conduct the prosecutions of all those offences for the salary he receives from the Exchequer.

1000. Whether they are reported cases or not?
Both reported and unreported cases.

1001. With regard to cases where there are no proceedings, how would he be paid for those?
In many instances, they fall back for the outlay upon the county funds, but not in Midlothian. The procurator fiscal does not receive anything in Midlothian, either for his own labour, or for outlay from the police funds.

1002. Do you consider that the procurator fiscal has the right to give orders to the police upon his own account?
Certainly not; they should pass through the chief constable.

1003. You consider that all his orders ought to pass through the chief constable?
I think so; for otherwise his orders may be very conflicting with those of the chief constable. If the procurator fiscal interferes by ordering a constable away, that constable may be taken away from other duty which he may be employed on, by directions of the chief constable.

1004. Then the proper way of doing it is, that when the procurator fiscal requires the services of the constable, he should apply to the chief constable to have a man put at his disposal?
Yes; which is done in Midlothian. All orders from the procurator fiscal pass through my office.

1005. Who is considered to be really the responsible person for the detection of crime in Midlothian; is it the chief constable, or is it the procurator fiscal?
The procurator fiscal is an old institution; he is an officer of the sheriff; the sheriff appoints him, and the police are bound to report to the public prosecutor up to a certain stage. Now, in some counties (Midlothian happens to be one of them) there are a separate set of officers attached to the procurator fiscal's office. Apprehensions made by my constables are brought to the procurator fiscal, and then handed over to the procurator fiscal's office, and those officers are paid by fees. I consider that a bad arrangement, because it gives an interest in crime to the officers. It is more to the interest of a sheriff's officer for the delinquent to pass through his hands several times than once: being paid by fees gives him a pecuniary interest in such cases. I think that the ordinary police constable should conduct the whole of the duty that is required in all such cases. It is the principle that I deprecate.

1006. Lord *Penrhyn.*] The question referred rather to the detection, than to the prosecution of offences, or the apprehension of offenders?
That, I consider, is entirely in the hands of the chief constable and procurator fiscal.

1007. *Chairman.*] You consider that the responsibility of hunting out crime, and detecting crime, is really in the hands of the chief constable in Scotland?
Yes; under the direction of the sheriff, but the procurator fiscal, acting as the officer of the sheriff, gives the orders to the police following up an inquiry; but in Midlothian, the police do that without instructions from the procurator fiscal.

1008. You hold the procurator fiscal to be acting on the part of the sheriff?
Yes.

1009. And in that capacity, he has, in fact, the regulation of the inquiry which is to be made?
Quite so.

1010. To that extent, then, the chief constable is relieved of some of the responsibility that would attach to a chief constable in England?
Yes, he is, for there is no public prosecutor in England, and so the duty is different.

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1011. Do you think that some definition of the respective duties of the two officers, the chief constables and the procurator's fiscal might be arrived at?
Yes; I think that the whole of the orders should be given to the chief constable, and not direct to the police officers. I hold that the inquiry should go on s it does with the procurator fiscal, but that his orders to the constables should ass through the chief constable's office, and that the procurator fiscal should not irect the police constables himself.

1012. But supposing an offence to have been committed, you would hold that he procurator fiscal had the right to go to the chief constable, and desire him o send constables to detect it?
I consider so.

1013. So that, in that respect, the procurator fiscal has certain of the duties, which in England attach to the chief constable?
Yes, because there is no such officer as the procurator fiscal in England.

1014. Lord *Penrhyn.*] Supposing any offence is committed in any part of the ounty, do the police immediately report that to the procurator fiscal?
Yes, immediately; in fact in Midlothian, the procurator fiscal does not take cogisance of any offence reported by a private individual, but he sends the applicant o my office, and receives the report from my office, and then he directs an nquiry if he thinks necessary.

1015. *Chairman.*] Is not there an awkwardnes in that sort of joint ower?
There is; but, as the law is constituted in Scotland, I cannot see my way to emove it. The office of chief constable in Scotland is different from the office f chief constable in England. He has not such extensive powers as the chief onstable in England; there being no paid sheriffs nor public prosecutors.

1016. Do you think it impossible, under the Scotch system of public paid rosecutors, to give the chief constable greater independence in hunting out the ffenders and in detecting crime; could not that result be attained as well, if ot better, were the chief constable left more independent?
I am afraid, as these officers exist, namely the sheriff and the procurator fiscal, here would be a difficulty in vesting the chief constable with much greater ndependence in the performance of those duties.

1017. I see, in the old instructions issued to the procurators fiscal, some 25 or 30 years ago, the procurators fiscal were required to perform many of the funcions which really now fall on the detective officers; they were desired to go and see whether any marks were made upon the grass or gravel, or whether there were any marks of blood, and so forth?
Yes.

1018. Is that kind of duty compatible with the new police force as it is intended o act now?
I consider that to be police duty, and in a properly organised police establishment it is done, and a report made to the procurator fiscal, from which he precognoceses the witnesses for the superior court.

1019. But, before the establishment of an organised police in Scotland, it really was the duty of the procurator fiscal to perform certain of those functions which are now in the hands of a properly organised police force, and those funcions remain attached to his office still?
He had officers attached to him then, whom they called "sheriff's criminal officers," who aided him in those inquiries, and who were paid at that time from he Rogue Money Fund, unless it was a reported case, and then they were paid fees, as the sheriff's officers are now from Exchequer.

1020. The procurator fiscal is not at the head of the police of the county?
He is not at the head of the police; but, at the time your Lordship alludes to, he was the head, but then he had his officers under him.

1021. But since the establishment of the police, in 1857, he has not been the head of the police?
He is not the head of the police; but as public prosecutor he could not get up his case without the aid of the police.

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1022. Do you think it is necessary, with a view to get up a case well, that the action of the public prosecutor should come in as it does?

I cannot see my way under the existing system to prevent it.

1023. Do you think that the secrecy of inquiry is a necessary part of the system of public prosecutors?

That is rather a large question, and been often thought too inquisitorial.

1024. I am aware that it is?

I have frequently considered that there are some hardships attending that; I have known cases where a person has been some time in gaol, a long precognition taken, then reported to the Crown officers, and after some time the precognition sent back with "no proceedings;" then the person is liberated; that is a case of hardship.

1025. The public would know nothing about it?

Nothing whatever.

1026. Except that the man has been in gaol?

That is sure to be known in the place where he has been apprehended from.

1027. Do you think that the want of publicity has any effect upon the energies of the police; that it would be more encouraging to them if it were known that there were public inquiries made into all the cases?

I think it would be more satisfactory to the police, and more just to the accused, because a precognition is taken, all of which is private and unknown to the accused until he is served with his indictment, then he has a list of the witnesses who are to be brought against him, and of course he has an opportunity then, or his agent has, of precognoscing them; but he knows nothing of the evidence against him until that stage of the proceedings.

1028. I suppose the police constables are often precognosced themselves as witnesses, are they not?

Yes.

1029. In that case of course secrecy is necessary with them as with other persons?

Yes.

1030. Is a constable who is under precognition by a procurator fiscal afterwards bound to abstain from informing the chief constable of what has passed before the procurator fiscal?

It is expected that after he is precognosced he should not make known to any one what has taken place; but I should consider that a police constable would have apprised his chief, and made him acquainted with what he knows in a particular case before he had got so far as precognition.

1031. But of the precognition system he would not be able to say anything?

Not unless he had reported before precognition to his chief.

1032. That is absolutely secret?

That is quite secret.

1033. What is the duty of the police in Scotland with regard to cases of death under suspicious circumstances; are there any general instructions from the Lord Advocate to the Police?

There certainly is not an institution existing as in England of a coroner's inquest, but the police make an inquiry and report to the procurator fiscal, and the procurator fiscal reports to the sheriff; if it is a case of a serious nature, it is then reported to the Crown, and a precognition is directed, but I think there might be an improvement upon the mode of procedure, inasmuch as I think a precognition should be taken in all those cases; it was done some years ago, but it became very expensive. Those precognitions when so taken are reported to the Crown, and the expense attending them is paid by the Exchequer, which is not the case, I believe, in England with the coroner's inquest. The expense of the coroner's inquest is paid from the county rates.

1034. As a matter of fact, when there is a death under suspicious circumstances an inquiry is made, I presume?

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Yes, an inquiry is made. And I was making that statement to show it was ore a matter of pecuniary consideration to shorten the inquiry.

1035. The public never know whether an inquiry has been made or not, I esume ?

Never; hardly ever know the result of the inquiry.

1036. Is there a list kept in every county of the number of cases which have een under precognition ?

I cannot say what other counties do; there is a list kept in Midlothian.

1037. And of the nature of the charge ?

Of the nature of the charge; of the number of cases reported to the Crown; he trials; the number of "no proceedings;" that is after the precognition is aken and reported to the Crown, and sent back with "no proceedings."

1038. Is there much reporting or writing required of the constables in cotland ?

A great deal.

1039. So much as to interfere at all with their activity ?

Yes, it requires to have a class of men who are good at pen and ink, and who re able to make up reports; they must at least be able to make distinct reports; nd I find that in consequence of the pay of the English constabulary being etter than in Scotland, a number of the men, after they have been a certain time vith me, leave for England in consequence of their superior education as comared to the general class of constables in England. The constabulary in ngland are for the most part more immediately under the control of superior fficers. Now, in Scotland the number is limited, and they have not so many uperior officers, so that they report direct to head quarters, and in consequence hey must be good pen and ink men, to be able to send in a correct report, ence much time is spent in writing.

1040. Do you think that the system of reporting is carried to a greater extent in Scotland than in England ?

Yes, that is required by the laws of the country.

1041. That is again with a view to produce written evidence before the procurator fiscal ?

Yes; in fact it aids the public prosecutor very materially, for he takes his precognition afterwards generally from the police report.

1042. And the police constable has to take down the evidence of persons from whom he receives information ?

Yes, and also from the witnesses.

1043. And he has to put all that in his report ?

Yes; in fact, he takes a preliminary precognition, which is handed to the procurator fiscal, and frequently it is found to be of great assistance to him.

1044. Would the evidence of the chief constable *vivâ voce* before the procurator fiscal not suffice in many instances ?

The amount of work might be lessened in this way that an offence or a crime should be reported to the procurator fiscal, and his clerk should take a portion of what the chief constable now does; he should go and precognose, which is not done at present; in fact, the present system is very largely saving the labour of the public prosecutor.

1045. In fact, the constables are employed very much in work which properly belongs to the procurator fiscal himself, either himself or through his agents.

Yes, quite so.

1046. Would the police be considerably relieved if there were less writing required ?

You might in that case get men with a smaller amount of education, but perhaps more athletic and more suitable for such rough work as they have occasionally in the police; we are obliged to have in many instances men who are more of scribes, but are not so suitable for other heavy police work.

1047. With regard to the question of vagrancy, have you an increase of vagrants in Midlothian ?

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This last year we have had a very large increase, but I attribute that to the state of the country in a great measure.

1048. The police have very little power over the vagrancy, have they?
We have no Vagrant Act; an Act was passed a few sessions ago against persons encamping in places, but it has not had the desired effect in many counties.

1049. Do you attribute much of the crime to the vagrants who go about the country?
I attribute a great deal of the petty crime to them; but the difficulty is about affording relief to the able-bodied in Scotland?

1050. You cannot have a Vagrancy Act without at the same time passing an Act to allow able-bodied men to be relieved?
No.

1051. Have you any definition of what a vagrant is in your instructions to the constables?
We are an exception in Midlothian, having Edinburgh as our centre; we have a great many known vagrants who reside in Edinburgh and migrate seven or ten miles daily and return. That is a class I am most anxious to deal with, and that is the class I draw the particular attention of the police to. They live by preying upon the public, and return to Edinburgh. They do with us just as they do in all large towns; they take a circuit daily for that purpose. I think it most desirable that there should be some Act by which we could reach them. The only statutes in Scotland applicable to vagrancy are of the year 1660, or about that period; in fact they are so very penal that we could not enforce them now.

The Witness is directed to withdraw.

Lieutenant Colonel ARCHIBALD ROBERTSON is called in; and Examined, as follows:

1052. *Chairman.*] YOU are the Chief Constable of Hertfordshire, I think?
I am.

1053. You have been chief constable ever since the establishment of the force, have you not?
Yes; I raised the force.

1054. At what time was it established?
In 1841; 26 years ago.

1055. You have had considerable experience, I suppose, of the working of the superannuation fund?
I have.

1056. Do you think, upon the whole, that a superannuation fund is very desirable?
I think it is.

1057. With a view to the efficiency of the force?
I think so. I do not see how we could get on without it. How could we leave a man, who has been 20 or 25 years in our service, when the work was all taken out of him, to starve?

1058. You think that the men would be leaving you too often if there were not that provision?
I do not know that they would; but I think it would be a very harsh measure to impose upon us, the chief constables, the necessity of dismissing a man, who had been a good servant as long as he was able, without any support.

1059. Would you be inclined to establish a system under which men had a right to superannuation after a fixed period of service or at a certain age?
I think the present system is a very good one.

1060. That is to say that they should have a right to retire at the age of 60?
No; they have no right to retire.

1061. If they are disabled or unfit for duty, they can retire, can they not?
It depends, to a considerable extent, upon the chief constable; they have

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have no right whatever to any superannuation after any length of service, or at any age; they must be recommended for it by the chief constable, but the chief constable cannot recommend them unless they have had a certain amount of service, and are of a certain age; that is so, with very few exceptions. For instance, when a man gets so wounded in the service that he is disabled. I have had, I think, in the course of 26 years, only two men so disabled.

1062. And were pensions given to them out of this fund?
Gratuities were given to them. As they preferred it, we gave them gratuities to set them up in trade; one got 30 *l.* and the other 50 *l.*

1063. Is your fund in a flourishing condition?
It is in as flourishing a condition as the other funds in England, I believe. They are all upon about the same principle; there is not the slightest chance of our superannuation fund maintaining the persons who very soon will come upon it; but that fund has been put upon an excellent footing by a recent Act, by which any overplus is to be paid out of the police rate.

1064. Do you consider that you have a right to fall upon the police rate before the fund is exhausted?
We have a right to do so, established by law. I can, perhaps, give the Committee a little information as to the police funds, and you may take our county as a very good guide for the other counties. We raise 97 *l.* 4 *s.* by the payments of the men. The dividends upon the investment of the accumulated fund amount to 48 *l.* 6 *s.*, so that our annual income is about 145 *l.* The superannuation allowances have been kept as low as possible in the county of Hertford, and the payments still amount to 189 *l.* a year, which you observe is nearly 40 *l.* a year more than our income. But there are at present a list of men who are entitled at this present time to superannuations, they having been upwards of 20 years in the service, and most of them (not all) being 60 years of age. Those men are at present entitled to superannuations which would amount to 950 *l.* a year, so you see what a small portion of that sum our superannuation fund would afford. When those men come upon the superannuation fund, we shall take the overplus, between 145 *l.* a year and 950 *l.* a year, from the police rate.

1065. What is the number of your force?
The number of our force is 116.

1066. And you might apply a sum of 900 *l.* a year in superannuations?
Those men are all entitled now to a superannuation of two-thirds of their pay by the Act of Parliament; but of course, though our fund could be come upon for that, yet the chief constable has a discretion in the matter, and very possibly it will be several years before we put those men upon a superannuation allowance, because I never allow a man to leave the force as long as there is any work in him; there are a great number of these men who will be years in the police force; they will not be allowed to retire, because we put it in this way. We allow no man to say, "I shall retire." If he did so, I should say, "No, you shall not retire, there is plenty of work in you; and if you choose to insist upon retiring, you may retire without a superannuation allowance." That is the only means by which you can keep it in check. But you see what a latitude is given to the chief constable. A chief constable, without being found fault with, could bring in to-morrow a charge of 950 *l.* a year in our county; all those men being eligible for two-thirds of their present pay.

1067. Lord *Penrhyn.*] Having served how long?
Each of those men has served 20 years, and some of them 25 years.

1068. *Chairman.*] And they are all above the age of 60?
There are 12 of them above the age of 60, so that they have every claim.

1069. How many are there altogether?
There are 21 of them; those are of all classes, superintendents, inspectors, and private police constables; but the superannuation fund cannot be on a better footing than it is at present. I think it is quite right that the men should pay a certain proportion of it; we only charge them 1 *l.* 15 *s.* per cent., which is less than most counties; we are allowed to charge $2\frac{1}{2}$ per cent., but from the commencement,

mencement, we have only charged 1 *l.* 15 *s.*, that brings in the sum I mentioned, 140 *l.* a year; I think it is quite right that they should pay that, and let the rest be taken out of the police-rate.

1070. Does not the fear of having to give them a pension operate in this way; may it not prevent your allowing men to retire who have really very little work in them?

That would operate against ourselves; if we kept inefficient men, we should soon hear of it.

1071. But you are afraid of allowing them to retire?

Yes, as long as we find that they are efficient. There is one man in my force now, who was superannuated 21 years ago, from the metropolitan police; he did 15 years' service for us, and then got a superannuation from us; that is very wrong, we could not prevent it, but we do prevent it in our own county; no man goes into another force from us, because I do not believe any other force will take him after we have taken the work out of him; they have done their work before they leave us.

1072. Is the giving of those pensions entirely at the discretion of the chief constable, or is it referred to the justices?

The chief constable must recommend it; the justices cannot do anything without his recommendation. The chief constable not only recommends that a man should be superannuated, but he recommends what sum he should get.

1073. The justices have a veto upon that, have they not?

Yes, the justices have a veto upon everything regarding pensions.

1074. Then a man is not entitled to any specific sum at all?

None whatever. The men who are now upon superannuation have been treated, I must say, through myself, in a very niggardly manner, because we have tried, at least I have always tried, to keep down the expense of the force as much as I possibly could, and though many of them were entitled to half their pay, we have not given them anything like half their pay. We just gave them enough to live upon. We have a superintendent who was in the force for 25 years; he had 105 *l.* a year, and we have given him 55 *l.* superannuation. He is an old man, and we were liberal to him, but we only gave him half when he was entitled to two-thirds. There was an inspector who had 85 *l.* a year, and we gave him, after 23 years' service, 35 *l.* a year; that is very small, you see. We have an inspector who gets 26 *l.* a year, he having had 85 *l.* a year before, and having served 21 years; and we have three or four police constables who get 7 *s.* a week, instead of a great deal more, but they appear to be contented. I must mention that I seldom take a policeman, except a county man; one of the Hertforshire men; I have not done so for 12 years; by which means you know their whole family, and you know their circumstances; you can accommodate yourself to those circumstances. We do not allow any man to have a definite claim upon us, but it does appear to be very niggardly; there is no doubt at all about that.

1075. Do you not think that it would be desirable that they should have an actual right to a specific sum?

No, I do not think so.

1076. Why not?

Because if you gave them an actual right to a sum after a certain service, as I tell you, they would go into another police service, and be superannuated there also, and get another sum.

1077. That might be provided against?

The best way to provide against it is to give a discretionary power to the chief constable, who will prevent it. If a man had a perfect right after 20 years' service to retire, I should have the whole of those 21 men retiring, and the county would have 950 *l.* a year to pay. It may be unjust on my part, or, at all events, niggardly; but as long as I am chief constable it shall never take place in the county of Hertford; they will never have 950 *l.* to pay for superannuation.

1078. Lord *Penrhyn.*] Do you always act upon that rule, in all cases, of refusing to place a man upon the superannuation fund at all, if he goes at his own request, as long as you think he has more work in him?

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There never has been a man placed upon the superannuation fund going at his own request; they have consented to go when I found that they were not fit for more work; but they always like to remain upon the superior pay as long as they possibly can. It is I who have recommended that they should leave the force.

1079. Have you always acted upon that rule, and refused to put them upon the superannuation fund, in the event of their going against your will?
Always.

1080. Supposing a man who had served 20 years, and was 60 years of age, was to leave the service by his own will, against your will, you would not give him anything?
I certainly should give him something. I should recommend that he should receive a moderate sum, but nothing like the superannuation he would be entitled to if he staid two or three years more. If I thought that there was more work in him, I should recommend him to receive a moderate sum.

1081. In the administration of the force, have you ever given that sort of allowance?
I have never given it to a man whom I did not recommend to quit the force.

1082. A man who was quite worn out?
As being unfit for proper service.

1083. Earl of *Lauderdale.*] Do you not find it sometimes difficult to decide whether a man has got more work in him, or not; if a man has served you well for 25 years, and he says, "I am not able to walk my beat, or I have certain infirmities," and he appears to you to be still hale, how do you decide?
I send him to a doctor, and get the doctor's certificate; but I know them all so well personally, that they could hardly, after 20 years' experience, take me in. We send them to a doctor to see if what they complain of really exists, and if their complaint is correct; but I never find men who wish to leave the force, they all try to cling to it.

1084. They try to remain?
They try to remain; it is at my own recommendation always that they quit the force. I tell them, "You cannot go on any longer, it is impossible, I cannot keep you; you must leave the force and you will get a superannuation."

1085. I suppose it is a reason for desiring to remain, if they know that if they leave without your consent, they will get little or no allowance?
That has some weight with them, I dare say, but I do not think that they would go, even were it independent of that. I would always give them what I considered fair, but I would not give them a larger superannuation, such as they would be entitled to if they remained until I thought them unfit for service. Of course I would not keep a man who was unfit for service.

1086. Lord *Penrhyn.*] Is your scale of pay higher than that of the neighbouring counties?
No, I think it is upon the same scale as the surrounding counties; some are higher and some lower.

1087. Have you found any difficulty in filling up the vacancies in the force?
I never found any difficulty, though I have only Hertfordshire men; I have always a list; I never take a man who is not recommended by a magistrate of the district where he lives, and by clergymen of whatever denomination he may belong to, and three or four of the principal farmers in the neighbourhood; besides that, I know all the families in Hertfordshire, and when a man brings me a recommendation, he tells me "you know my part of the country perfectly well;" I never take men whose families I do not know something of; I may not personally know them, but I know them to be respectable people; by that means I can get a very superior class of men.

1088. Is the rate of your pay considerably higher than the average rate of wages of labourers in the county?
Yes, it is considerably higher; we commence at 18 *s.* per week.

1089. That is for the last class?
Yes, the third class; they get 18 *s.* a week, and clothing.

1090. What

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1090. What is the average rate of wages in the county?

Not more than 14 *s.* or 15 *s.*

1091. When the constables get into the other classes, what increase of pay do they get?

They can get into a class at 20 *s.* and then into a class at 23 *s.*; the highest class gets 23*s.*, but then they have the promotions to sergeants, inspectors, and superintendents always before them; I never take a man out of the force for promotion; I take all the men belonging to my own force for promotion. Many counties advertise for a superintendent, we never do so, we give them regular promotion in the force; we never take a man out of the force for promotion; I do not allow it to go by seniority; I select them by good conduct and intelligence; I never bring in a stranger, however clever he may be; a constable may expect promotion at the end of something like eight or nine years, but not before that, because he must be a thoroughly good man.

1092. *Chairman.*] You require them to be thoroughly well educated?

Yes, they must be good writers; I always know the school they have been brought up in; and if I apply to the schoolmasters, they can tell me what they are; we have some men who are not first-rate writers, but they can all write their reports; they have to write a daily report.

1093. They write a daily report to their superior officers?

They have to enter every circumstance night and morning when they come in from duty.

1094. Do they require to write down any evidence?

No, they tell who can be witnesses in the case, but they have nothing to do with the witnesses. They send the information as to who can be witnesses to the superintendent in charge of the division, and he makes out a list; but we have nothing to do with sending the evidence to the legal officers in the county.

1095. Lord *Penryhn.*] In the case of the man who you said had been superannuated from the metropolitan force, and had afterwards served 15 years in your force, was there anything peculiar in that case to account for it; had the man been suffering from any disease from which he got better?

No, not at all.

1096. Had he received any injury in the metropolitan force from which he afterwards recovered?

No; he was an old horse patrol man before the metropolitan police were established, and when the metropolitan police were established they got rid of a great number of those men, most injudiciously in my opinion, because they were experienced men. That man was pensioned at the large pension of 40 *l.*, a sort of thing which is not heard of with us, and he was a private man.

1097. He was not pensioned from the present metropolitan force?

No, from the old force; but they ought to have taken him into the present force when it was established. He was an excellent man, and served me for 15 years. He is now alive. I only allow him 7 *s.* a week for pension; he having 40 *l.* a year from the metropolitan police, I thought 7 *s.* a week was quite enough, but I did not give him that until he was quite worn out. Now he is on his deathbed.

1098. Earl of *Lauderdale.*] Have you ever any men in the police who have been in the army?

I think I have seven or eight soldiers.

1099. Any pensioners?

Some of them are pensioned; one of them has a shilling a day. I think we have three pensioners. But soldiers, I am sorry to say, though I am a soldier myself, are not good constables.

1100. Do not non-commissioned officers make good constables?

No; they are given too much to drink; that is fatal with a constable. If a man complains of a constable as being tipsy, he is discharged at once. They are of no use if they take to drink. Soldiers are very apt to get tipsy, and serjeants will not stay. Men who have been in the position of serjeants in the army, and who have got over the drudgery of the business, the standing sentry, and all that, do not like to go and stay out all night again. They apply for a

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ituation occasionally, and I appoint them ; but they soon find they have got into lower grade. The men who have been accustomed to dine at the serjeants' ess do not like to have to remain their five hours out at night, as they used to o when they were common soldiers on sentry duty ; therefore they seldom stay. have got some soldiers in the force, however, perhaps five or six, and they are ery good men, but they are all county men. I have none but county men hom I have known from their birth, because most of my new men have been born ince I have been in the county, for I have been just upon 27 years in the county ow.

1101. You approve of having entirely county men for the police force of a ounty?

I do ; I approve of it entirely. In that case your men never wish to leave you, nd go to another county. I seldom have a man change ; they always stick to the ounty ; and there is also this advantage in it : the whole of their family always tand by you then. A man may have seven or eight relations, who will give you ll manner of information ; by that means I have 700 or 800 people whom I can rust to give me information. If you get strangers, you can never trust to them o stay ; if they can get a higher rate of pay they will go to another county.

1102. Lord *Oxenfoord.*] Have you never found a constable trying to screen friend?

We never put them in their own district ; they are as much abroad if you send hem 20 miles off as if you sent them to a foreign country altogether. We send hem away from their own relations ; when they are appointed they go to another part of the county, so we get rid of that difficulty. You could not keep them where their own relations are ; we never do that. But when there is a crime committed in a part of the county where they are known, and where they know the people, I very often send them to detect that crime ; and they can do it, knowing all the people ; they know what is going on ; they get hints from their own friends of the suspected person. For instance, if there were several petty acts of theft (we have had no great crimes committed for years), a man goes, and he worms it out in his own village. A man belonging to the village will get a hint as to who the person is, and all we want to know is who the thief is ; if we know who the thief is we soon detect him. I watch him. It is until that comes to your knowledge that you are baffled, in consequence of not knowing whom to suspect. The men generally find that out. That is another advantage of having county men.

1103. Lord *Colonsay.*] With regard to men wishing to be upon the superannuation fund, I think you say that they never apply to get upon it?

They never do.

1104. Then when you say you do not allow them to go, you mean you would not allow them to go, because if they never apply you have no occasion to exercise that authority?

I meant, if they did apply, I would not allow it as long as they were fit for the service, or, as I said, I would give them a smaller superannuation if they had been good men. I would not treat them unjustly at all, but I would not give them as much as if they were unqualified for further service.

1105. What I wanted to know was, whether you had occasion to be exercising that authority, or whether it was what you would do if you had occasion?

I never have had occasion. I have never been asked to superannuate a man.

1106. *Chairman.*] Have you any additional constables, paid for by private parties?

We have three. We had a great many men who looked after the railways. The railway companies asked us, while the railways were in progress, to appoint constables, whom they paid for, to look after the works. The Eastern Counties Railway has been made since I went to the county of Hertford, and the Great Northern has also been made since I went to the county of Hertford, and we had charge of all their navvies. Six or seven constables were appointed at a time on that duty, and paid for by the railway company.

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1107. These additional constables are appointed with the approval of the magistrates, are they not?

Yes, with the approval of the magistrates.

1108. The contribution of those private parties is paid in to the county treasurer, as I understand?

Yes, it is paid to the treasurer of the county. I send the treasurer a schedule of what he has got to receive, and the gentlemen pay it annually into the treasurer's hands.

1109. Do you find that work well?

Very well; those additional constables are a great assistance to us. They are all my own men. I appoint some of my steadiest men to that duty, and they work with us, although they are specially appointed.

1110. Do you think it advisable that the magistrates should have that power of exercising a veto upon the appointment of those additional constables?

I am all in favour of the magistrates exercising a veto upon anything they choose. The police have no better friends than the magistrates.

1111. The money is paid to the county treasurer, and the appointment cannot be made except at the instance of the magistrates?

Except at the instance of the magistrates; that is *pro formâ*. You mention in the police report which is sent in quarterly, that you have appointed those constables. Of course there is no objection made to it; they could have none; it is a great assistance to us; but of course we give those properties just the same protection as we did before.

1112. Lord *Penrhyn.*] I think the additional constables you alluded to just now were constables appointed to look after the navvies in making the railway works?

Yes.

1113. That is done under a General Act, which enables railway companies to call upon the magistrates to appoint constables for their works?

Yes, and they apply to me.

1114. Have you also constables employed by private individuals?

Yes; there are two employed now at Hatfield by Lord Salisbury.

1115. Upon what sort of duty are they employed?

I never inquire into the duty they perform. The agent of Lord Salisbury gives them their orders; they have to report themselves to the inspector.

1116. They are under your control?

Completely under my control; and if any complaint was made against them, I should take cognisance of it and punish them. Lord Salisbury's agent could not do that.

1117. Do you think it objectionable at all that they should be employed in the protection of game?

Not the least. I believe I am the best protector of game in Hertfordshire, though it appears singular. My men bring up poachers constantly. We do a great deal practically towards the protection of game in Hertfordshire. We reckon that we are for the public good, and that it is our duty to do as much good as possible in carrying out the law. My belief is, that stealing game is as bad as anything else.

1118. You do it from information, I suppose; you do not employ your men to watch woods, or anything of that kind?

No; if they see poachers in a wood (and they know them all), they give information at once, and the keeper comes forward and prosecutes them, having the policeman as his witness; that is all we do; we never look after the thing at all, but we never shut our eyes to it.

1119. Lord *Colonsay.*] You confine yourselves to detecting offenders, in fact?

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Yes; it is said that poaching is not quite like other crime; that is quite false; achers are always the greatest vagabonds in the neighbourhood.

1120. Lord *Penrhyn.*] Supposing such a case as this, that one of the additional licemen employed by private parties came to one of your superintendents, and id, "I have information that a gang of poachers are coming to a certain wood is evening," would your superintendent give them assistance?
They have all orders to do so.

1121. You do not see any objection to their doing so?
No; if you get rid of a poacher, you get rid of a thief. There was a man hung vo or three months ago, in Bedfordshire (there has been no one hanged in my unty since I came into it). Three poachers went out at 12 o'clock at night pon one of their excursions; they met an old man, and they murdered him ad robbed him; they were all taken into custody, but only one of them could e sworn to, and he was executed about two months ago. They were all otorious poachers, whom we have had in our custody half a dozen times for oaching. The police always stop poachers upon the highway. When one of our en sees them he always stops them, and they take away game, and nets, and ings of that kind.

1122. *Chairman.*] An additional constable, I suppose, may do it?
Yes, he may do whatever his master or the agent wishes him to do.

1123. The Act says that the application of the person who wants additional onstables must be upon a representation of the necessity of having them; what ort of necessity is made out to you?
The applicant merely says he apprehends damage from evil-doers, that is to say, is fences broken down and his woods destroyed; that is all he has to say. We re not very stringent in asking his reason; he does an immense deal of good to s by giving us a superior force, and paying for it himself.

1124. Earl of *Lauderdale.*] You do not look upon it in the light of protecting he game; you look upon it in the light of apprehending rogues and vagaonds?
Exactly; we have nothing to do with protecting the game; it is not upon hat plea that it is done at all; if any proprietor were to ask me to watch one of is fields because he suspected that somebody was going to rob his pheasants' eggs, I should refuse to do it; but if one of our men was going along a highway and found a basket with 100 pheasants' eggs in it (as has happened), he would do quite right in taking the basket away; and if a policeman saw a poacher in a field, he would say to the keeper, "Bring him before the magistrate; I am your witness;" that is all.

1125. *Chairman.*] Supposing a society were established in the county subscribing to keep watchers against poaching?
A poaching prevention society.

1126. And if you were asked by them to appoint a number of additional constables, should you do so?
I think I should; at least, I should apply to the magistrates, and let them do as they liked. Whenever I find any difficulty, I throw it upon the shoulders of the magistrates; I should say, "Here is an application; I can see no harm in complying with it, if you do not;" I do not supposeour magistrates would object at all, because when you appoint additional constables you are always protecting property. I may observe, that I stated precisely the same thing as I have stated now before a Committee of the House of Commons, of which Mr. Bright was the Chairman, some years ago; I told him precisely what I have told you, that we protect, as far as we can, property of all descriptions.

1127. Earl of *Lauderdale.*] You consider it your duty to detect and apprehend all rogues and vagabonds; in killing game, the poachers are breaking the law?
Yes; we do not care what they are guilty of so long as they are guilty of some sort of offence; at the same time, we are by no manner of means gamekeepers.

1128. *Chairman.*] There is one question I may ask you; it has been stated that in

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in Scotland there is some inconvenience felt in consequence of a number of separate bodies of police being maintained within narrow limits; of course, I do not want to ask you particulars, but have you experienced any difficulty of the kind, showing that a consolidation of the forces is desirable?

I think there is not the least doubt about the desirability of consolidation of county and borough forces; there is no doubt that there is an immense advantage in it, which can be seen by any one. I think it must be obvious, that when you have two or three large towns dotted over the county, into which you have no power of following a thief, and in which, if you do get in, you are quite at a loss, because you do not know the people of the town, it must be an inconvenient arrangement; I think nothing can be more absurd than the whole system, in that respect.

1129. There is no compulsory power in the English Act compelling consolidation, is there?

No, none; the boroughs may do as they like.

1130. Lord *Oxenfoord.*] Do they generally join?

No; we have two, St. Albans and Hertford, that do not join with us; they keep separate small forces of their own; there have been two or three propositions at different times to join, but they have been always thrown over by interested parties.

1131. On account of jealousy, I suppose?

They like to have the authority to appoint their own constables.

1132. Would it not be, in fact, cheaper for them to join?

It would cost less; it would cost them 2½ *d.* in the pound, which is our rate, instead of 7 *d.* or 8 *d.*, which is their rate.

1133. Lord *Penrhyn.*] Do you mean 2½ *d.* for the police rate?

Yes.

1134. And it is 8 *d.* in the borough?

It is 7 *d.* or 8 *d.* in the borough.

1135. For the police rate?

Yes; it is 8 *d.* in the metropolitan police district. We have 12 parishes in Hertfordshire which are within the metropolitan police district; those parishes pay 6 *d.* in the pound, besides 2 *d.* paid from the Consolidated Fund; the next parishes in the county pay 2½ *d.*

1136. There has been a variation lately, has there not, in the case of the metropolis?

No, I think not; 2 *d.* is paid by the Consolidated Fund; and the parish pays 6 *d.*; that has been always the case since the establishment of the police. They take a certain circle, within which so much more has to be paid, as the cost of police in London is greater than in the county.

1137. Are you speaking now of the metropolitan force?

Yes; they have 12 of our parishes. Those parishes have to contribute to the metropolitan police, though they are 16 miles off. We do a great deal more than what you can call regular police work for our rate of 2½ *d.* We pay the whole expense of prosecutions out of that rate. If a gentleman is robbed, it is reported, and he is required to take no further trouble. Whatever the case may be, if he chooses to leave it in the hands of the police, we get up the whole case, and find counsel. I act as prosecutor; he pays nothing. If a gentleman does not choose to do that, he may employ his own counsel and solicitor, which probably would cost him 20 *l.* or 30*l.* We do the whole without expense to the parties, if they like to leave it to us. The whole thing is done by the police.

1138. Lord *Colonsay.*] And yet your rate is only 2½ *d*?

It is only 2½ *d.* We have paid as much as 100 *l.* in getting up a case, including not only the services of the police, but all the getting up of the case, and employing a solicitor for poor people.

1139. Lord *Penryhn.*] Do you put the expenses of your stations all into the police-rate?

Yes.

1140. And

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1140. And clothing?
Yes; everything is paid out of the 2½ *d.* rate, and we shall bring it down to *d.* next year.

1141. Lord *Colonsay.*] That does not cover the superannuation charge, I ppose?
No; that is a separate thing, partly taken from the constables' pay.

1142. *Chairman.*] Do you know, without referring to your book, the proportion constables to population in your county?
Yes; there is one constable to 1,400 people.

1143. That is pretty high?
It is a large number of people to have only one constable for. I worked for a ng time with a constable for each 2,000 people; because, within this last half-ozen years, my force has been nearly doubled; that is, since the Government ct came into operation.

1144. Lord *Penryhn.*] Then, your force was established under the Permissive ct?
Yes, we were under the Permissive Act. We were one of the counties that dopted it very soon. Each of my men has eight square miles to walk over.

1145. *Chairman.*] Do you approve of the establishment of a "Police Gazette"?
Yes. The "Police Gazette" has been in existence in England for many ears. It is printed by the Government. Mr. Burnaby, the clerk at Bow-treet, is the editor of it; you can have copies if you choose to apply for them. I hink we have 16 or 17 copies in the county of Hertford. Each of my superior fficers has a copy. It is open to the whole of England and Scotland. We end up information to the editor of the "Police Gazette." All you have to do is o write down the information; for instance, such and such a horse was stolen t such and such a time and place, giving a clear description of it, and saying hat information is to be given to so and so. It is a great assistance to us. We ook down the "Police Gazette," and very often find that the horse has been ound in another county.

1146. Is the "Police Gazette" sold?
Yes, it is sold. To people not in Government employment the price is 1 *d.* per copy.

1147. How is it supported?
From the Consolidated Fund; it is a publication by authority. Why not have copies of this sent down to Scotland?

1148. You think the Scotch police might make use of this one?
If the chief constables in Scotland were to send up information to the "Police Gazette" in London, they would not only have their own Scotch information, but they would have the English information also; that is all they have to do.

1149. Earl of *Lauderdale.*] Do you think it would be desirable to have one "Gazette" printed in Edinburgh for Scotland?
I think it would be very useful, but it would be still more useful to have both combined. It would certainly be very useful to have one in Scotland for the Scotch informations, and then you would avoid what we have in our "Gazette," where two or three pages are taken up with a long list of deserters from the army and navy, which would not be so much required in Scotland. It would be a most admirable thing to have a small sheet printed in Edinburgh; a very small sheet would do.

1150. *Chairman.*] Is the London "Police Gazette" printed every day?
No, it is printed three times a week. The only thing that the Scotch chief constables would have to observe is, that you cannot send an information to arrest anyone without sending a copy of the warrant with it; they have been threatened with prosecution two or three times for putting in information in the "Police Gazette," and therefore they insist now that a copy of the warrant should be sent up to them; of course it is a libel to publish it without. The only thing they require is a copy of the warrant, otherwise a mischievous person

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might send up false information that I had committed a robbery, for instance; they have not to send up their names, or at any rate they might send a fictitious name, and my name might appear in the "Police Gazette." False information has been sent up once or twice, and they have been threatened with prosecution for it; and now they insist upon having a copy of the warrant, which is their security.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Wednesday, 10th June, at Twelve o'clock.

Die Mercurii, 10° *Junii* 1868.

LORDS PRESENT:

Earl of DONCASTER.
Earl of MORTON.
Earl of LAUDERDALE.
Earl of AIRLIE.
Earl of MINTO.
Earl of CAMPERDOWN.
Earl INNES.
Lord CLINTON.
Lord ELPHINSTONE.
Lord OXENFOORD.
Lord PENRHYN.
Lord COLONSAY.

THE EARL OF MINTO, IN THE CHAIR.

MR. JAMES SMITH MILNE, is called in; and Examined, as follows:

Mr. *J. S. Milne.*
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1151. *Chairman.*] You are Sheriff Substitute of the county of Selkirk?
I am.

1152. You have been so for some time, I think?
For about seven years.

1153. A great deal of the business of the police necessarily comes before you?
Yes.

1154. Who is the chief constable of Selkirkshire?
Mr. Boultbee.

1155. He is also the chief constable of the neighbouring county of Roxburgh, is he not?
Yes.

1156. Mr. Boultbee lives not in Selkirk, but in Jedburgh, does he not?
Yes.

1157. At some considerable distance from Selkirk?
Yes.

1158. He has not only the command of the constables of the county of Selkirk, but he has also under him a force for the suppression of poaching on the Tweed, has he not?
He has.

1159. Those men are not appointed by the county, but are appointed by the chief constable, with the permission of the sheriff, I think?
Yes, it is so.

1160. Has that arrangement been found to work pretty well in Selkirkshire?
It has been found to work admirably in Selkirkshire.

1161. And the poaching is suppressed to a considerable extent?
Very much indeed; practically, it is suppressed. It is found not to pay, and is not now followed as a trade.

1162. Are the constables who are appointed under the 7th clause of the Police Act for the suppression of poaching in the Tweed distinguished in any way from the other force, or are they quite amalgamated with the rest of the force?
They are practically amalgamated so far as uniform and drill are concerned,

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but they have special duties allotted to them separate from the duties of the ordinary constables of the county. At the same time, when they have not those special duties for the suppression of poaching to perform, they co-operate with the county police in the ordinary county police duties.

1163. There is a special oath, is not there, taken by the bailiffs of the Tweed?
Yes, under the Tweed Act, they are required to take a special oath.

1164. Do those special men take that oath, and the rest of the force some other oath, or do they all take the Tweed oath?
I am not aware that any of the force, whether the ordinary constables of the county or of the constables employed for the suppression of poaching, take any oath except the ordinary police oath under the County Police Act.

1165. Do not the additional men who are specially appointed for the protection of the Tweed take a special oath?
I think not.

1166. They do not?
No. They did at first, when the present system was first inaugurated, some seven years ago, but they do not do so now; it was not thought to be necessary that they should do so.

1167. They have as full power to act under the Tweed Act without taking the oath, as if they had taken the oath?
Yes, the Tweed Act specially provides that anyone may enforce the provisions of the Act; and the general powers conferred upon constables by the County Police Act were thought sufficiently broad to cover any duty which those constables might be required to perform under the Tweed Acts.

1168. Has it been observed by you that any unpopularity is incurred by the regular force in consequence of their being mixed up with the suppression of Tweed offences?
Not now. There seemed to me to be considerable feeling about it at first, but I rather think, from my own observation, and from all I have learnt, that the sympathies of the better classes of the community are with the police now in the general performance of the duty which they are engaged in.

1169. Do you find that the people are as willing to give information in respect of Tweed offences as they are in respect of the ordinary county offences; that is to say, if a man has taken a salmon, will a labourer give information as freely against the person who has done so as if he had taken a hen?
I can scarcely speak to that, as it does not come under my own direct observation; but I have never observed in any case which has come before me in Court that there has been any unwillingness or hesitation, on the part of witnesses, to speak to all they knew or had the means of knowing in cases tried under the Tweed Acts.

1170. In what court in your county are the Tweed cases tried?
In the ordinary sheriff's court.

1171. There is a power under the Tweed Acts to try those cases in the justice of the peace courts, is there not?
There is.

1172. It is at the option of the Tweed commissioners as to which court they shall be tried in, is it not?
Yes, it is.

1173. Has the sheriff any power to require that they shall be brought before the sheriff's court?
Not at all; it lies with the Tweed commissioners entirely to decide in which court they shall be tried?

1174. That is to say, in the cases brought up, I imagine, you mean by those special additional constables?
Or by any constables. All offences under the Tweed Acts may be tried in whatever court the Tweed commissioners direct; they have a special option given to them.

1175. Even though those cases have been discovered by the regular force?
Yes; there is no distinction in that respect. I so read the Tweed Act.

1176. Into whose hands is the money paid for the additional constables?
It was originally paid into the hands of the clerk of the police committee; but the arrangement has been altered, and it is now paid into the hands of the chief constable, who accounts to the Tweed commissioners for his intromissions.

1177. And the payment never appears in any county account at all?
It does not.

1178. Do you know the reason why the arrangement was changed, and why they adopted that plan instead of paying it into the hands of the clerk of the police committee, so that it would appear in the county accounts?
It was thought that the arrangement for the protection of the river was one with which the county had really no concern; and I think it was the feeling of the police committee of the county of Selkirk that they should not be mixed up with it in any way, and therefore it was thought better that their officer, the clerk of the committee, should not be mixed up in any way with the payments which were made by the Tweed commissioners, for the special duty of protecting the river.

1179. I do not know whether you are aware that in England all those payments are made to the county treasurer, and that the money is paid again by him to the persons to whom payment is due?
Yes, I have so understood.

1180. Is not it the case that the employment of those additional constables in the suppression of offences such as those under the Tweed Acts, at the instance of private parties, must affect the interests of the county, either prejudicially or the reverse?
It must.

1181. It either relieves the rates or it adds to the rates?
In my view I do not consider that it can add to the rates; it will rather tend to relieve them. When I say that it benefits the county, I mean that it enables the ordinary police duty of the county to be more efficiently performed.

1182. Therefore there is a direct county interest in the settlement of the question?
Most undoubtedly.

1183. That being the case, would it not be more fair to act upon the analogy of the English Act, which requires that the consent to the appointment of additional constables should be given by those who manage the finance affairs of the county, and who are in fact the taxing body of the county?
In the view that I take of the duty of river protection, I am decidedly of the opinion that it ought to be so.

1184. Lord *Colonsay*.] That it ought to be—how?
Approved by the county.

1185. Earl of *Lauderdale*.] You mean that the constables for the suppression of salmon poaching should be paid by the county?
No.

1186. *Chairman*.] What I intended to ask, and what I believe you intended to answer was this; at present the additional constables are appointed by the chief constable with the permission of the sheriff?
Yes.

1187. Earl of *Doncaster*.] Or the justices of the peace?
Yes.

1188. *Chairman*.] But neither the justices of the peace nor the sheriff represent the interests of the county, financially speaking, indeed they are not held to be the representatives of the county; the commissioners of supply are held to be so?
Yes.

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1189. My question was as to whether the persons who represent the county ought not to have a voice in saying whether this employment of additional constables for the suppression of poaching should or should not be carried on, and I understood you to answer, that you thought the county ought to have a voice in it?

Yes, I think the county ought to have a voice in it.

1190. You would, in fact, put it precisely on the same footing on which it is now put in England?

Yes, so far as I understand the English system.

1191. Earl of *Camperdown.*] Who pays those special constables?

The Tweed commissioners entirely.

1192. In fact the county does not pay anything towards those special constables?

No.

1193. What is your reason for saying that the commissioners of supply ought to have a voice in appointing those special constables, with the paying of whom they have nothing to do?

Because I think that the protection of the rivers is so very closely mixed up with the ordinary duties of the police of the county, that I can hardly distinguish between the one duty and the other. If the duty of protecting the rivers is badly performed, then I consider it will tend very greatly to the increase of crime, and so will devolve larger duties upon the police of the county; and, on the other hand, if the protection of the rivers be efficiently performed, I think it tends very materially indeed to decrease the amount of crime throughout the county, and consequently to lighten the regular duties of the police.

1194. In that view, as it is for the benefit of the county that these rivers should be strictly preserved, the county ought to have something to do with paying those special constables, ought it not; I am merely taking your view of the question?

It is a difficult question to answer, considering the right of property which the Tweed commissioners have in the salmon fisheries; but I feel that the protection of salmon is a matter of public concern, and therefore I think the protection of salmon ought to be made a matter of public duty.

1195. And, of course, of public contribution?

And of public contribution. When I say that the Tweed commissioners pay the whole of the expense, I must be understood to speak literally. The Government contributes nothing towards the expense as the Government does towards the general expenses of the county police; but in the view I take of the duty of river protection, and looking to the principle upon which the protection of the rivers is now conducted, I cannot well distinguish between the duties which the ordinary police have to perform and the duties which the police who are specially detached for the protection of the river have to perform, looking at the one as a public duty and at the other as a merely *quasi* private duty. In fact, the Tweed Act of 1857, although a local Act, proceeds upon the preamble that the protection of the salmon fisheries is of public importance.

1196. In short you would do away with the Tweed commissioners' payment; you would no longer take contributions from them?

I would still assess them, seeing that they derive a financial benefit from the river protection; but I think that the Government ought to pay a proportion in the same way as it does for the ordinary police.

1197. Earl of *Innes.*] Since the commencement of this arrangement with the Tweed commissioners the expenses of these extra men have been defrayed entirely by the Tweed commissioners; they have not cost the county a farthing, have they?

The expenses have been paid entirely by the Tweed commissioners.

1198. From the commencement?

Yes; but the county get the benefit of the men, because a certain number

are

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are now permanently incorporated with the county police. The number is increased during close season, when the duty of protecting the river is more severe.

1199. And you consider that the efficiency of the county police is in no degree diminished, but that in fact the appointment of these men is rather an aid to the county police than otherwise?
Yes, decidedly.

1200. Lord *Penrhyn.*] At present the Tweed commissioners neither get any contribution towards the expenses of those special police from the county, nor do they get any of the contribution which is given by the Government in respect of the rest of the police force?
Exactly.

1201. Lord *Colonsay.*] The whole of the expense is borne by the Tweed commissioners?
Yes, entirely.

1202. Is not that a great benefit to the county?
It is a great benefit to the county.

1203. How would the county benefit by the other arrangement you propose of their having a voice in the appointment of those constables?
The county would benefit in this way, that they would be able to decide as to the number of men who would be regarded as necessary for the efficient discharge of the duty.

1204. Who decides that now?
The chief constable.

1205. Then you would take it out of the hands of the chief constable and place it in the hands of the county?
I would.

1206. Who do you mean when you say "the county"?
The commissioners of supply, or the police committee rather, I should say.

1207. Do you think that they are better judges of the matter than the chief constable?
They would act under his recommendation I should presume.

1208. That is the difference you would make?
Yes. At present the chief constable is irresponsible, except so far as he has the concurrence of the sheriff; he is only responsible to the Tweed commissioners for the manner in which he discharges the duty of protecting the river; he has a double responsibility; he is answerable to the police committee for the manner in which he discharges one part of the duty devolving upon him, and he is answerable to the Tweed commissioners for the manner in which he discharges another part of the duty devolving upon him.

1209. Would he not continue to be so?
If the matter was taken into the hands of the county entirely, the Government paying a portion of the expense, that might lead to a different result.

1210. That is the Tweed commissioners not paying as they do now?
Just so.

1211. *Chairman.*] The chief constable is not paid additionally for the superintendence of the Tweed force, is he?
No.

1212. The superintendence of that force gives him a great deal of trouble and brings him into conflict occasionally with the authorities, does not it?
It gives him a very great deal of trouble, and may be the means of bringing him into conflict with the authorities.

1213. To that extent the services of the chief constable are given gratis to the commissioners of the Tweed?
They are given gratis as well as the services of the ordinary police who may be employed at times in enforcing the Tweed Acts. But during the close

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season, when the county police are engaged in co-operating with the river police for the protection of the salmon, they are really doing their own work. The gangs of poachers with whom they have to deal are, I may say, exclusively made up of the lawless portion of the population. Many men who have been already convicted of thefts and assaults and so on, are at that season attracted to the river. Therefore the county police are, in truth, dealing with the very class of the population they are paid to look after.

1214. *Chairman.*] Your idea is that the county makes a good bargain upon the whole?

I think that the county makes an extremely good bargain. I have no doubt of it.

1215. I do not know that my question has been quite understood. At the present moment the chief constable appoints additional constables at the instance of private parties, subject to the approval of the sheriff and the justices. My question was, whether it would not be better to make those appointments by the chief constable, subject to the approval of what I call the county, that is to say, the commissioners of supply or the police committee. I should rather say the commissioners of supply. I think you said that you thought that would be an improvement?

Yes.

1216. This is connected with the same question. When a burgh unites with a county for police purposes, a regular agreement is drawn up between the two parties, the county authorities and the burgh authorities; they come to an understanding and an agreement which is terminable, I believe, at certain notice by either party, but it is an agreement made by the county on the one side and the burgh on the other on very fair terms, I think. Now the Tweed commissioners are a corporate body, but when they deal with the county they do not deal as between themselves and the county, but they deal as between themselves and the chief constable?

Yes.

1217. Would it not be possible, and would it not be convenient, and lead, perhaps, to greater permanency in the arrangement, if a regular arrangement was entered into between the county and the Tweed commissioners, in the same sort of way as an arrangement is entered into between a burgh and a county?

I think it would, for this reason, that it would lead to a permanent arrangement. The objection which I have to the present arrangement is that it may be terminated at any time; and I think it would have a most demoralising effect if, after the rivers had been very strictly preserved, they should be thrown open to poachers, and perhaps in a short time again another arrangement of a different character entered into. Whatever the arrangement is, it ought to have a permanent character.

1218. The town of Galashiels, which is partly in the county of Selkirk and partly in the county of Roxburgh, maintains a police of its own, I believe?

It does.

1219. Do you find that the police of the burgh assists the county police in the detection, not only of the Tweed offences, but in the ordinary cases of offences; do you find that they are efficient in that respect?

No. I think I may say that there is no co-operation whatever between the two forces. The burgh police have given no assistance, so far as I am aware, in the detection of any cases under the Tweed Acts until this last year, when, I believe, one case was reported from Galashiels.

1220. A Tweed case?

Yes, a Tweed case.

1221. But in other cases which are not Tweed cases, do you find an inconvenience in having a separate police?

There is no convenience in it at all, on the contrary.

1222. You

1222. You do not find it equally convenient to have a separate police in the burgh?

No, on the contrary, I think it is inconvenient.

1223. Lord *Colonsay.*] You would approve of an amalgamation between the burgh and the county forces?

Very decidedly, indeed. The burgh of Selkirk is amalgamated with the county, the burgh of Galashiels is not; and in Selkirk the police have a complete control over the population, which enables them, of course, more easily to detect crime; but it does more, for it enables them to prevent many offences, whereas in Galashiels they know nothing whatever of what is going on; and I may say that I have looked upon Galashiels for some years as a sort of harbour of refuge to those gangs of men who come out into the county for the purpose of committing offences against the Tweed Acts, and other statute law. An amalgamation would, in my opinion, be a great mutual benefit.

1224. Have they the same class of men for the police in Galashiels that you have for the county, I mean as regards vigour and efficiency?

I am not very well able to give an opinion upon that point.

1225. You have seen them, no doubt?

I have seen them; I have not formed the same high opinion of the burgh police, I must say, as of the county police.

1226. *Chairman.*] Does the county police inspect the lodging-houses and public-houses in Galashiels, or is that left to the town?

No; that is left entirely to the town.

1227. In Selkirk, is there a regular inspection of the lodging-houses where the tramps go?

Yes; and a list is kept. The police can always lay their fingers upon any person who may be suspected; I have seen the books, and examined them, and it appears to me that any person who may be suspected, supposing he was a tramp, may be followed to any place in the county; at all events, so far as he has been in the county he can be traced, and information given to the adjoining county to follow him up; but that is impossible where the county police have no control over the lodging-houses in such a place as Galashiels.

1228. Earl of *Innes.*] Under the present arrangement, then, the police have no power to interfere in the burgh of Galashiels?

None whatever.

1229. Lord *Oxenfoord.*] I suppose they could follow and arrest a criminal in Galashiels?

Yes, they could do so.

1230. *Chairman.*] The sheriff has no power, or very little power within the burgh, has he?

Yes, he has power.

1231. In criminal cases?

Yes, and in all matters.

1232. In public-house cases?

So far as regards dealing with a case; when an offence is committed he has a co-ordinate jurisdiction with the magistrates.

1233. But the sheriff could not give instructions to the burgh police?

No, none whatever.

1234. The burgh police are entirely under the magistrates of the burgh?

Yes, and I have not the slightest doubt that if the burgh was amalgamated with the county it would not only make the police, as a body, much more efficient, but it would enable the force to be actually reduced in number.

1235. You say that the chief constable lives in Jedburgh, and the procurator fiscal of Selkirkshire lives in Selkirkshire, I imagine?

Yes.

1236. Is there any difficulty between those authorities; is it the practice of the procurator fiscal in Selkirkshire, for instance, to give orders to constables without reference to the chief constable, or some superior officer?

No,

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No, he always gives his instructions through the chief constable's office; there is a resident inspector, who acts under the immediate supervision of the chief constable, and all the procurator fiscal's orders are given through him.

1237. He has a right, I imagine, to give orders, if he pleases, to the constables?

He claims the right, but he never exercises it.

1238. Is the procurator fiscal held to be responsible for the preservation of the peace and detection of crime within the county, or is the chief constable held to be responsible for it?

There seems to be a divided authority; they both claim to be responsible; but the procurator fiscal, perhaps, from the nature of his office, is entitled to the greater authority of the two. That might lead to collision between those two officials, if they were so minded.

1239. Would it be possible to define the respective authorities of those two officers?

I think it could be done without much difficulty and with advantage.

1240. It might be done, I imagine, without an Act of Parliament; merely by an order from the Secretary of State, might it not?

It perhaps might; but an Act of Parliament would probably have the greater authority of the two with the procurator fiscal. If the chief constable is not held responsible for the detection of crime and the preservation of the peace, then his position is a somewhat anomalous one, and he is liable to be superseded practically by the procurator fiscal, who in that case would be really the chief constable, and entitled to give what orders he pleased to the force.

1241. There were instructions issued a good many years ago, before the Police Act was passed, to the procurators fiscal; you will see them in this book (*handing a book to the Witness*). Those are the instructions issued from the Lord Advocate's office to the procurators fiscal?

Yes.

1242. Will you be so good as to read Article 1?

"In most of the higher class of cases, particularly those of murder, fire raising, &c., much advantage may be derived from the procurator fiscal and the sheriff or other person of superior intelligence repairing instantly to the spot, so as to ascertain with precision all appearances that are there exhibited, such as marks of feet, blood, &c. Where much may depend (as in cases of rape, committed or attempted), on the exact state of the person injured, or (as in cases of child murder, or concealment of pregnancy) on the state of the person accused, there should be an immediate medical examination and report."

1243. Do you know whether that is still in force or whether it has been recalled?

I am not aware that it has been recalled.

1244. That has more reference, has it not, to the former state of things than to the existing state of things; it is not well adapted to the present state of things, with the new police force, is it?

No, I should say that it was modified, if not practically superseded by the Police Act.

1245. Nevertheless the procurators fiscal would be perfectly justified in saying that they were entitled to act under that instruction?

Yes.

1246. Earl of *Doncaster*.] What was the date of that instruction?

1824. "In 1765 a set of rules was prepared by the Crown agent and depute clerk of justiciary, and was revised by Lord Hailes, and will be found in the Appendix of Baron Hume's Commentaries on the Criminal Law of Scotland. They contain various useful suggestions; many of them were so well established in practice as not to stand in need of being specified, while others were found defective. To remedy these defects, a series of valuable directions were drawn up and circulated in 1824 by Sir William Rae, then Lord Advocate, and John Hope, Esq., then Solicitor General. These have now been reprinted, and distributed

distributed by Crown counsel, with such additions and alterations as subsequent charges and experience require.

1247. *Chairman.*] But you think that that is rather an anachronism at the present time?
Yes.

1248. Lord *Colonsay.*] Do you think that the sheriff, or the procurator fiscal, are relieved from that duty?
I should hesitate to say that they were relieved from that duty.

1249. The sheriff is the person principally responsible for the suppression of crime in the county, is he not?
Yes, so I understand.

1250. The procurator fiscal is the instrument of the sheriff?
Yes.

1251. Earl of *Lauderdale.*] With regard to the chief constable's duty, is not it his duty to search out and detect crime and criminals?
Yes.

1252. And is not it the procurator fiscal's duty when they are found out by the chief constable, and made known to him, to prosecute those criminals?
It is so.

1253. And to take such measures as are necessary to bring the proof clear against them?
It is so.

1254. So that the two duties are so far clearly defined?
In practice they are.

1255. *Chairman.*] That is to say, in practice in the county of Selkirk?
Yes; and I believe generally throughout Scotland.

1256. I do not know whether this is a reasonable question to put or not; but I wish to know whether the procurator fiscal may, in the case of several charges being brought up against persons, at his own discretion restrict the number of those charges, dispense with one of them, and carry on the others?
He may do so.

1257. Is that within the limits of his rightful authority?
Where he has not taken a precognition, I should hesitate to say that it was within the limits of his authority, without previously bringing the matter under the notice of the sheriff.

1258. But, as a matter of fact, it is the case, is it not, that the procurators fiscal do take upon themselves to dispense with some of the charges which are made, and to carry on others?
I understand that that is the case. It may be done even before a precognition has been taken. After a precognition has been taken, it is the usual practice for the procurators fiscal to use their discretion in following up a case or not.

1259. Lord *Colonsay.*] Do they dispense with them, because it is their pleasure to do so, or because they do not think the evidence sufficient without consulting with the sheriff?
It lies with their own discretion, before a case is brought before the sheriff, to decide whether they shall proceed further in it or not.

1260. *Chairman.*] But when a person is apprehended, he must necessarily be taken before the sheriff, must he not?
Yes; when he is apprehended on the application of the procurator fiscal he must be?

1261. Then in such a case it would be impossible for the procurator fiscal to discharge that man, at all events, without the case going before the sheriff?
Of course.

1262. The office of procurator fiscal is one of great importance, is it not, in Scotland?
It is of great importance.

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1263. It is provided in the County Police Act, is it not, that the chief constable should not be permitted to hold any other office than that of chief constable?

Yes.

1264. That is not the case, I think, with regard to the procurator fiscal?

No, there is no statute law upon the subject so far as I am aware.

1265. The usual thing, I think is, that they hold a number of small county offices besides that of procurator fiscal?

They generally hold a number of county offices.

1266. The sheriff, I believe, at the present moment, is not permitted to reside in the county, is he?

No, I understand not.

1267. The sheriff's substitute is required to do so?

Yes.

1268. Was that for the purpose of withdrawing the sheriff from local influences?

I understand that to be the principle upon which the statute was passed.

1269. Lord *Colonsay.*] When you say that he is prevented from residing in the county, do you mean more than that he is required to attend the court of session in Edinburgh during its sitting?

That is the provision of the statute.

1270. He may reside in the county during the rest of the year?

Yes, there is nothing to prevent his doing so during the autumn vacation and a few weeks in spring.

1271. Earl of *Lauderdale.*] With regard to the Tweed ommissioners, do you happen to know how many constables the Tweed commissioners employ, not in your county alone, but altogether in all the counties that their Act governs; I mean the total number?

No, I cannot answer the question.

1272. You have no idea of the number?

No.

1273. Do you happen to know what proportion of mileage of river each constable has?

No, I can scarcely answer that question, because it is not according to the mileage that the number of constables is decided; a number are concentrated in one district, and moved to other districts, according as the season advances.

1274. In your district how many are there?

This last season, I think there were as many as 14.

1275. And how many salmon pools?

The number of salmon pools I cannot tell; I think there are upwards of 60 miles of river to protect.

1276. We have had stated here the number of miles and the number of constables?

I think I am correct in saying that there are upwards of 60 miles of river in Selkirkshire to protect.

1277. And 14 constables?

During the close season, for perhaps a couple of months or so, we have that number.

1278. You mean that the 14 are only employed in the close season, when they are doubled?

Precisely so; then the number diminishes as the season advances.

1279. That is for about 60 miles of river?

I think so.

1280. *Chairman.*] I see Colonel Kinloch says in his report that five constables were employed permanently in Selkirkshire, and five temporarily by the commissioners for the protection of the salmon?

Yes.

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1281. Earl of *Lauderdale.*] Do you think that that proportion is enough to protect the river effectually, without the assistance of some of the other police from the county?

No, not without the assistance of the county police; they get a great deal of information, of course, from the police of the county; they know where to expect poachers, and so on.

1282. Then in reality during the close season the police of the county are partly employed in assisting the watching of the river?

They are.

1283. Then are the salmon fishery commissioners' constables ever employed on the county duty?

They are.

1284. Away from the river altogether?

Away from the river altogether; it is a mutual assistance. But I ought to explain that even during close time, the town of Selkirk. which is amalgamated with the county, is never deprived of its constables; they are always on duty; and the police who do co-operate chiefly with the men paid by the Tweed commissioners are the men who have pastoral districts. whose beats are naturally by the river side, and who are, in truth, traversing their beats while they are going to and from their places of appointment; and their duties are chiefly at night, when, under other circumstances, they would be sitting at home, or most likely lying in bed. They are rarely required during the daytime, because it is at night that these gangs of poachers, for the most part, are out. This winter I consider it has been of very great advantage indeed that that arrangement has been in force, on account of the Fenian alarm there was throughout the country; it enabled the county police most effectually to watch the whole of the county by night as well as by day. They were, in fact, obliged, from the meetings that were arranged by the chief constable, for the purpose of watching the river, to patrol their beats to and fro from those places of meeting, and consequently the county was most effectually protected.

1285. *Chairman.*] You are required by the statute to report to different bodies, are you not, to the sheriff, and to the police committee, and to the justices, I think?

The chief constable is required to do so.

1286. The chief constable sends, I suppose, a copy of his reports to the sheriff. A duplicate of the same report goes to the sheriff and to the police committee?

I do not think he does so, as a matter of course. He is required to do so, but the rule is not very strictly enforced, and it lies very much with the discretion of the chief constable, I think, whether he will send duplicate copies to the sheriff and the justices, but he always reports to the police committee.

1287. Is the sheriff, in your opinion, entitled to require the chief constable to alter his report before he sends it to the police committee?

No, I think the report is to be the chief constable's own report. It is to be subject to any criticisms, of course, that the sheriff or the police committee may make upon it, but he being responsible for it, I think, as I read the statute and the general instructions issued by the Secretary of State, that the sheriff cannot compel him to alter it.

1288. The chief constable is entitled to send whatever report he pleases to the police committee or to the sheriff?

Undoubtedly; that is my opinion.

1289. Would it be a legal order on the part of the police committee to require him to send a report to the coroner of the county or to the clerk, before submitting a report to the police committee?

It follows, from what I have just stated, that it would not be in their power; they might compel him to do it under fear of dismissal, but I do not think they have any statutory authority to require it.

1290. A circumstance was brought before the Committee the other day which I may mention, namely, that there are certain instructions issued by the Secretary of State upon the subject of reporting, and that whereas, in the Act of

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of Parliament, the chief constable is required to report to the police committee, and the sheriff, and so on; in the general instructions of the Secretary of State the order is inverted, and the chief constable is required to report to the sheriff and the police committee; do you think that the order in which those words come affects the authority of either body in the slightest degree?

No, I should rather infer from the order being reversed, that it means to imply equality, and that neither was to have precedence of the other.

1291. That it was a matter of indifference which came first?

Yes, that it was quite a matter of indifference.

1292. I observe that in the Secretary of State's Regulation of June 1866, there are certain alterations made as compared with those which came out in October 1857. I do not know whether they are of much importance, but they seem all to go in one direction, therefore I think it may be desirable that the attention of the Committee should be directed to them. In the last instructions that came out in 1866 it was laid down that "the chief constable need not transmit with such report the statement appended thereto, unless directed to do so by the sheriff or the police committee." In the original instructions the word "sheriff" was not included; it has been added. Again, further on, we find "the chief constable will, subject to the approval of the sheriff, frame all such orders and regulations, &c." Formerly it stood, "subject to the approval of the commissioners of supply;" and several alterations of that kind have been made; have you ever observed that, or do you know the reasons why these alterations were made?

I do not know the reasons.

1293. They are in the direction of taking certain powers away from the commissioners of supply, and adding to the authority of the sheriff?

I do not know the reason of them.

1294. It was stated by one of the witnesses that the chief constable's returns mention all the cases that he has reported; the question was this: "Is every case which is brought before the procurator fiscal, and which is not carried further by him, reported in any public way, or recorded in any public way; supposing some trifling case is followed up, and is reported to the procurator fiscal, and goes no further than that, will that case appear in the chief constable's return?" and the answer is, "Yes, the chief constable's return will mention all the cases he has reported;" is that the case?

It ought to be so.

1295. But there will be nothing in the procurator fiscal's returns, I suppose, to show that?

I am not able to speak definitely as to that; it depends upon how far the case may have proceeded.

1296. Where a person has been apprehended, I imagine that all that appears in the returns, but where no person has been apprehended, would it appear?

If further proceedings have been taken, it must appear in the procurator fiscal's return; but the mere fact of a person having been apprehended will not appear in the procurator fiscal's return.

1297. But, supposing the case has been reported to the procurator fiscal, as all cases are reported necessarily to him, and supposing nothing is done upon it, supposing there is insufficient evidence for him to proceed any further, will such a case as that appear in any public return?

It will not appear in the procurator fiscal's return, even if it has gone so far as to be before the sheriff in its preliminary stage. When a case is reported by the police to the procurator fiscal, it is his duty to consider whether the evidence is complete in so far as it has been reported to him, and he will then decide what further steps he will take. If the person accused has not been apprehended, he will apply, in the event of his wishing to proceed with the case, to the sheriff for a warrant for his apprehension, and the person being apprehended will be brought before the sheriff in private to emit a declaration; that is to say, he will be examined by the procurator fiscal relative to the offence with which he is charged. The person accused is at liberty to answer or not, as he pleases, and to give such explanation as he pleases with regard to the offence charged against him, but he does so upon the caution of the e sheriff that he is not bound to answer anything unless he pleases, and at what he says will be taken down in writing, and may be used against him t his trial. If the sheriff, who is present, is then satisfied that there is reason r proceeding further, he will, upon the motion of the procurator fiscal, grant warrant for the committal of this man for further examination, to allow the rocurator fiscal an opportunity of investigating into the case. When the pro-urator fiscal has further investigated into the case, it may take one or other of wo courses. It may appear to the procurator fiscal to be a mattter so serious hat he shall not be able to bring it summarily for decision before the sheriff, nd he will in that case make a pre-cognition of the witnesses, and that pre-ognition made by him will be laid before the sheriff for his consideration as to hether there is a *primâ facie* case against the person accused or not. If there is, he sheriff will, as a matter of course, commit the man for trial. The procurator iscal will then transmit the proceedings to the Crown office, and will get his nstructions from the Crown counsel as to the farther procedure. The Crown ounsel may either return it to the procurator fiscal, with an instruction to try he case before the sheriff and a jury, or to try the case summarily before the heriff without a jury, or to take no further proceedings in the case at all. ut, on the other hand, when the investigation which has been made by the rocurator fiscal after the first declaration has been emitted by the person ccused, results in satisfying him that the case is not such a serious one as ught to be reported to the Crown office, he will then ask the sheriff to commit he person for trial summarily before himself, and the trial will then be pro-eeded with. When the case has arrived at even the preliminary stage of the eclaration before the sheriff, it will not appear in the procurator fiscal's return. t is only cases which have been reported to the Crown office that will appear n his return.

1298. My question referred more to cases which never go so far as the cases to which you refer; in the returns we have the number of persons tried, convicted, acquitted, and no proceedings. In most of the counties, I believe, there is no return of the number of cases where the proceedings are dropped?

It would not in that case appear in his report. If the chief constable or the police were to report a case to the procurator fiscal, and on looking at the report he, either believing that the evidence was insufficient, or for any other reason, chose to take no steps in the case whatever, it would not appear in his report. Farther, an investigation which leads to no farther procedure will not appear in any public return.

1299. Who has the distribution of the force in the counties; who has the right to order the manner in which the force shall be distributed?

That is left to the discretion of the chief constable; but the distribution of the force must, to a certain extent, depend upon the police stations, and these, of course, being built at the expense of the county, are only built after due consideration, and with the approval of the police committee and the commissioners of supply.

1300. Earl of *Camperdown.*] The chief constable might at any time, I suppose, receive instructions from the police committee to make a different distribution; he is under their orders, is he not?

I can hardly read the Police Act as making him responsible to the police committee for what he does; I think it desirable that he should be responsible to them.

1301. Who is he responsible to?

I think the chief constable, under the present statute, is practically irresponsible; he may of course be brought under the control of the police committee from fear of the result of disobedience, but I do not think, as I read the Police Act, that he is very much subject to control by them in what he does; he is obliged to give in a report, but the statute does not say precisely how that report shall be dealt with, or can be dealt with.

1302. *Chairman.*] He is, to a certain degree, subject to the orders of the justices, I think?

He is subject to the "lawful" orders of the justices, he is subject to the "lawful" orders of the sheriff, and, as just explained, he may be made subject to the orders of the police committee; but those different authorities may give

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conflicting orders, and therefore it is very difficult for a man in the position of chief constable to know exactly what order he shall obey. When the conflict is between the sheriff and the justices, the Act provides that the sheriff's order shall prevail until the Secretary of State decides; but it is an awkward position for a chief constable to be placed in to disobey the orders of the police committee, who have the appointment of the chief constable in their hands, and yet they have no statutory power of control over him.

1303. Lord *Clinton.*] Have you ever known a case where there has been a conflict of that kind in any county?

Yes, there was such a case, I think, in the county of Dumbarton, where there was a conflict between the justices and the sheriff.

1304. Eventually the chief constable had to obey the order of the sheriff, had he not?

Yes, the Secretary of State so decided.

1305. Earl of *Camperdown.*] Where small burghs are amalgamated with the county, I suppose the chief constable is also subject to the orders of these burgh magistrates in addition to the others?

No, I think not.

1306. Have the burgh magistrates no standing at all?

No, they have no standing except upon the terms of the arrangement upon which the amalgamation is made. If they bargain that there shall be so many men in the burgh at their disposal, of course the chief constable cannot deprive them of the use of those men or of the control they have over them.

1307. *Chairman.*] The chief constable rather looks for support to the police committee, or the commissioners of supply, does he not?

He does.

1308. Would it not be better to give some authority to the commissioners of supply rather than to the justices of peace who now have some power?

I am inclined to think so, because the commissioners of supply and the police committee are practically the same body, and the commissioners of supply have both the appointment of the police force and are bound to defray the cost. They have the pay to provide for; in that point of view I think they could claim to have some further authority.

1309. Would it answer the purpose to give to the justices the power of delegating their authority to the police committee in the same sort of way as there is power given to the commissioners of supply to delegate their authority to the police committee?

I have not considered the point, but I do not know what practical difficulty there should be in the way of it. I think it is very desirable that there should be one supreme authority with reference to the police, to whom the chief constable should be subject, and from whom he should be obliged to take his orders. At present there is a divided authority, as I have mentioned.

1310. Earl of *Lauderdale.*] The police committee now are often composed partly of commissioners of supply; in fact they are all commissioners of supply, I believe, but some of them are not justices of the peace.

Yes.

1311. Would it not be better that the police committee should be composed entirely of justices of the peace who were commissioners of supply also. The commissioners of supply have no judicial authority whatever in the county, have they?

No, they have not.

1312. The police committee have a great deal to do with the judicial part of it?

They have a great deal to do with the practical working of the Police Act.

1313. Would it not be better then if they were all justices of the peace?

I think it perhaps would work very well if it was so, but in the matter of appointing the police force I do not see quite what practical advantage would be gained by making it a *sine qua non*, that every member of the police committee should be also a justice of the peace.

1314. I want to know whether you think it would be of advantage or not?
I do not think it would be of advantage.

1315. Earl of *Airlie.*] As a matter of fact are any of the members of the police committee not justices of the peace?
There are members of the police committee who are justices.

1316. I say who are not justices?
Yes, I think there are some who are not justices.

1317. *Chairman.*] Would it not create a good deal of jealousy if the police committee were confined to persons who are justices of the peace?
I have not the slightest doubt that it would, because the commissioners of supply, represented by the police committee, are composed of different classes of the community; they are composed of the county gentry as well as of the leading merchants and manufacturers of the district, and it would therefore rather confine the appointment exclusively to the landed gentry without having the element of the towns so well represented as at present. It combines now both town and country, in so far as it represents a body which is composed both of county gentry and of manufacturers.

1318. I wish to know whether you have any doubt at all as to the legality of the course which has been pursued in regard to the employment of additional constables for the preservation of fish and game?
I may say, that I had some hesitation in regard to the arrangement for river protection when it was first proposed. I considered the Acts very carefully; the Tweed Act as well as the Police Act; and I had a certain doubt whether the Police Act was intended to meet such an arrangement as was proposed to be effected between the chief constable of the county and the Tweed commissioners. But on further considering both the Police Act and the very broad provisions of the Tweed Act, which provide that anyone may enforce its provisions, I came to the conclusion that it was competent to make such an arrangement so long as the police did not exceed their duty; but then I doubted, and still doubt, whether, if the police did exceed their duty and exercised certain powers which are specially provided for under the Tweed Acts, they would have the privilege which they would otherwise have had in the event of an action of damages being brought against them.

1319. You think, in fact, that persons may unite together and apply for additional constables, for the purpose of protecting their game?
That is a different question. I was speaking with regard to the special provision of the Tweed Acts.

1320. Does the same remark apply at all to the Game Laws; would it be legal, in your opinion, for persons to apply for additional constables, under the 7th Section of the Police Act, for the preservation of game?
The 7th Section of the Act, I think, refers to the protection of private property. Now, it might be a question whether that did apply to game. At the same time, in the broad view that I take of the duties of the police, I think it would be very desirable that that matter should be made quite clear, and that they should have the power to protect game when required.

1321. You think that there is sufficient doubt upon the matter to render it desirable that the thing should be made more clear than it is now?
Yes, I think it should be made more clear, either one way or the other.

1322. Lord *Colonsay.*] What do you comprehend under the expression "protecting game." It may be one thing to be watching the whole season, preserving the moors, and fields, and woods, and it may be another thing, when there is an apprehension of outrage by poachers, to anticipate it and watch to stop it; or it may be a third thing to follow and apprehend poachers or persons who are suspected of poaching. What do you think it would be advisable to have constables to do?
I think it would be advisable, on the application of any landed proprietor or proprietors, to empower the chief constable to appoint men who should, in truth, act in the capacity of gamekeepers, but who would, of course, be appointed entirely at the expense of the proprietor or proprietors whose property they were protecting. Those men would be available on an emergency by the chief constable

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constable to act with the regular police, but in ordinary circumstances they would, in truth, discharge what are the duties of gamekeepers at present. My reason for arriving at that conclusion is founded very much upon what I believe I am correct in stating to be now the case, that in consequence of the recent legislation on the subject, gamekeepers are rather apt to trust to the police detecting poachers after they have left the estates upon which they have found game and arrived at the road; they are apt to give notice, I understand, to the police that a band or certain parties of men may be expected at a certain point on or about a certain time. They do that rather than encounter the poachers upon the property; they leave it to the police to apprehend the men upon the road; the consequence is, that the whole duty and responsibility of detecting the poachers is thrown upon the police, without their having the facilities which they otherwise would have of apprehending them when they were in the very act of poaching. I think, therefore, that either the recent Acts have gone too far, or they have not gone far enough; and in the opinion which I have formed I am inclined to think that they have not gone far enough, because, if the duty of the police is to detect poachers after they have been guilty of the offence, they ought to have every facility for detecting persons while they are in course of committing the offence.

1323. And preventing it?
Yes.

1324. Earl of *Camperdown.*] Do you not think that clothing the gamekeepers in the police dress would render the service very unpopular and change the nature of the police force altogether in the eyes of the public?
Having reference merely to the duty to be performed, and apart from the question of a distinctive dress, I do not see why it should, with regard to the preventing of land poaching any more than of river poaching, because if the police are really there for the preservation of the peace and the protection of property, I can see no limit to the duty they may be called upon to perform for that object, and I certainly see no distinction in principle between the detection of one statutory offence and another; consequently, I think that, looking to the terms of the last Police Act, the police ought to be charged with the protection of all sorts of property, and the prevention of all sorts of statutory offences, which they are bound to take cognisance of after being committed.

1325. Do you not think that the public generally would look quite differently upon a gamekeeper discharging the avocations of a gamekeeper, and upon a policeman discharging the avocations of a gamekeeper?
I should be rather inclined to arrive at the opposite conclusion, because it would then be a recognised part of the police system. Then there would be no invidious distinction between gamekeepers and police. And at present the police are engaged to protect private property; mills, for instance, and manufactories, and so on; and I do not see why they should not be charged with the protection of all sorts of property.

1326. It is the fact, is not it, that in some counties of Scotland the Act is not worked now?
I cannot speak positively as to that.

1327. Lord *Penrhyn.*] I think you stated that you would include under the words "protection of game," the act of watching game?
Yes.

1328. And you see no objection to private policemen being employed for that purpose?
No.

1329. Supposing those private policemen were not a sufficient force by themselves to protect that game, should you propose to bring the rest of the force to their assistance?
Unquestionably I should on an emergency.

1330. Would it not be necessary to give some discretionary power, either to the chief constable or to the police committee, to decide what number of men should be employed for that especial purpose, and paid for by the individuals by whom they were so employed?
I do not see how you could put a limit upon the number of men whom any

proprietor

proprietor may wish to have upon his property, provided they are to be paid for at his own expense.

1331. Supposing such a case as this, there is a very large extent of wood to be watched, and a large amount of game to be preserved, and an application is made for a certain number, a very inadequate number, of special policemen to be paid by individuals to protect that game. If they were an inadequate number to protect that game, the county would be put to the expense of providing the additional assistance necessary for keeping up the protection of the game, would it not?

No; I do not see how the county would be put to any additional expense in that case; the only consequence would be, that the game would not be so effectually protected.

1332. If you were to bring the rest of the force to the assistance of those men, would not the county be put to an additional expense?

In the event of an anticipated collision with a gang of poachers, I could then understand how the county police could be engaged in the assistance of those who were specially paid for the protection of game on that estate, but not otherwise.

1333. Earl of *Doncaster.*] It would be then only under special circumstances that the aid of the regular police force would be called on to assist the private police?

It would be so; that is when they had cause to anticipate a collision with a large gang of poachers. From the information which they would have from the county and borough police, they would be always very well able to know when a collision might take place.

1334. Lord *Penrhyn.*] My question referred rather to whether there should be any discretionary power vested in the police committee or in the chief constable to refuse to appoint special constables unless there was a sufficient force to attain the object in view?

Yes, I understood the question in that way; what I understood your Lordship to say in conversation just now, does not quite explain what I wish. That would be an amalgamation of a new system with the present, which I would not expect to work well. It ought to be entirely under the command of the police, I think, or not at all. If it was under the command of the police, then it would be for the chief constable, perhaps, to decide what number of men would be required for the effectual protection of the game; and then, of course, it would be for the police committee to decide whether that arrangement would be gone into.

1335. *Chairman.*] That is a strong argument in favour of submitting the proposal to the police committee?

Yes.

1336. Earl of *Airlie.*] You are in favour, I understand, of allowing policemen to be employed as gamekeepers, as watchers?

I am, as watchers; of course they would not be in their uniform or anything of that sort, but simply under the control of the chief constable to act under his directions, and to be available by him as a special force on an emergency in the county.

1337. But I understood that you were in favour of that, on the ground that it is a duty of the police to protect property?

To protect property and to prevent all offences being committed, which it is their duty to take cognisance of after they are committed.

1338. If they were to be employed upon the ground of its being a duty of the police to protect property, it would be necessary to alter the game laws, would it not, so as to make game property?

Yes, such is my opinion.

The Witness is directed to withdraw.

Mr. GEORGE HENRY LIST, is called in; and Examined, as follows:

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1339. *Chairman.*] You are the Chief Constable of the county of Haddington, and also of the county of Berwick, I think?
I am.

1340. Have you occupied that position for some time?
I have occupied the position of chief constable of East Lothian for 28 years, and chief constable of Berwickshire for seven years.

1341. Then you were chief constable of East Lothian long before the date of the present Police Act?
Long before; I have been connected with the police in Scotland 33 years.

1342. Were you connected with any English police force before that time?
No. I was superintendent of the police in Musselburgh for five years before taking charge of the police in East Lothian.

1343. Have you any independent burghs in your district?
In Haddington county there are two.

1344. Maintaining a separate force?
Yes.

1345. Have you found that inconvenient in any way?
I have found no great inconvenience arising from it, in consequence of the superintendents of the burgh police being men taken from under my command.

1346. They act in harmony with you?
Quite so.

1347. What burghs are they?
Haddington and Dunbar. North Berwick, which is a royal burgh, has merged into the county, and therefore it is not now independent; it was independent before the passing of the Police Act.

1348. In those burghs which are beyond your control, that is, in the burghs of Haddington and Dunbar, do you exercise any power whatever within the burgh, or is it merely that there is a good understanding?
The sheriff has a cumulative jurisdiction, and I understand that, being appointed under the County Act, I have jurisdiction in all burghs in the county when it is necessary to exercise it, but we do not do so except in cases of a very serious nature, which are handed over to the sheriff's fiscal to take proceedings.

1349. You do not visit lodging-houses or public-houses, do you?
No, nothing of that kind.

1350. That is entirely in the hands of the burgh police?
Quite.

1351. What burghs are there now united with the county in your district?
There are no burghs united under the Act, but the burgh of North Berwick has merged in East Lothian; they did not exercise any right to maintain a separate police, and they are assessed with the county.

1352. Do the burgh magistrates exercise the same authority over the police when they are amalgamated as they did before?
Not quite so much. A magistrate exercises power; we execute all his warrants, and carry out any orders he chooses to give.

1353. I think under the Act the magistrates, when a burgh is amalgamated, do retain their powers?
Yes, when they unite; but this burgh merged in the county; it did not unite on the passing of the Act; they did not attempt to maintain a police force.

1354. Therefore the magistrates have lost their whole power?
The magistrates have lost their power to maintain a separate police force.

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1355. Does it answer well in that case?
Perfectly. I have not found the slightest complaint in the burgh of North Berwick. The commissioners of supply did not give them as strong a force as they wished because the assessment was not sufficient; they did not wish the burgh to be formed into a separate district, and they applied for an extra man; and the commissioners agreed, upon their giving them 22 *l.* per annum, in addition to the assessment, that they should have two men, and two men are stationed in the small town of North Berwick.

1356. You are highly policed in East Lothian, are you not?
We are highly policed, in consequence of there being a system for suppressing vagrancy. We pass the vagrants on in a very different way from the rest of Scotland. We keep two men entirely for escorting vagrants.

1357. Do you appoint any additional constables under Clause 7 of the Act?
We do; we appoint a number in Berwickshire for the protection of the Tweed; and we appointed six last year, and seven or eight the year before, for enforcing the game laws.

1358. At the instance of private parties?
Yes, at the instance of private parties.

1359. Earl of *Innes.*] Do you find that the arrangement with the Tweed commissioners works satisfactorily?
Quite so.

1360. It in no way diminishes the efficiency of the county police?
No, we get additional assistance from it; because if a crime is committed where an extra constable is stationed, he apprehends the accused, and conveys him to head-quarters.

1361. When it is an offence connected with the Tweed?
Yes. We make no difference in that respect.

1362. In fact, it is a direct assistance to the police force of the county?
Yes, it is a direct assistance; and if we were not so working together we should generally be at cross purposes, because they would want our assistance, and we should not know their arrangements; it would be a very awkward thing indeed.

1363. If water-bailiffs were employed, you mean?
Yes; if water-bailiffs were appointed, and they applied to me, and said that they anticipated a collision with poachers to-night, and I had to make arrangements to assist them, not knowing of it previously, it might be very inconvenient. That application would come upon me when I had something else in hand, and when the men were otherwise employed, and I should have to alter all my arrangements.

1364. But you would be bound to do it?
Yes.

1365. Whereas under the present arrangement that would not be necessary?
No; because I know all my arrangements, and can have a force ready to assist upon the river at proper times.

1366. Lord *Colonsay.*] Then the present arrangement is a mutual advantage?
Decidedly so.

1367. *Chairman.*] Are the forces of additional constables distinguished from the others by dress, or in any other way?
They are not, because they are detectives, and we find in practice that detective officers must be in plain clothes to be of any value. I put them at first in uniform to allow them on the river, but the men asked me to go in plain clothes to watch for poachers on the river so often, that I found it was throwing money away to provide uniforms for them, and they are now in plain clothes, as all detectives are.

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1368. Your jurisdiction extends all the way through Berwickshire along the Tweed as far as the sea, does it not?

Yes, under the new arrangement dating from September last; it takes in the whole of the Tweed, including the Northumberland side of the river, and the Berwickshire coast, with four or five miles of the Northumberland coast.

1369. Earl of *Doncaster.*] It would be under the jurisdiction of the Tweed Acts?

Yes.

1370. Earl of *Innes.*] That is since the limits were extended?

Yes.

1371. *Chairman.*] Is the pay for your services covered by the county salary, or do you receive anything in addition in respect of those duties in connection with the Tweed?

For four or five years, during which I had charge of the River Tweed they paid me nothing in respect of it, and I did not expect it, but when the Tweed commissioners asked me to go beyond my county, and to take part of the Northumberland coast, I found that I was put to a greater expense, and they then agreed to pay me something additional.

1372. With regard to the payments made by the Tweed commissioners, or by private parties, are they made to yourself, or do they go through the hands of any county officer?

When I commenced to take charge of the river, and appointed extra constables for the work, I looked into the practice in other places, and I took the metropolis police as a proper guide. I found there that all the payments for extra constables for theatres and other similar duty were paid in the ordinary pay sheet, but the money was taken as an item of income. I called yesterday and got a copy of the metropolitan police accounts, and I find that arrangement is continued. My expenditure is paid on the ordinary pay sheets, and the money is received from the collector of county rates, and every quarter or half-year according to the arrangement, and an account is made out of what we have paid for the Tweed commissioners or the private parties, and they repay the money into the hands of the collector of county rates. I hold that it is not my business to have the intromission of money for other people.

1373. Earl of *Innes.*] So that your accounts are open to the inspection of any commissioner of supply in the county?

Quite open; I have them here.

1374. *Chairman.*] If that plan is adopted voluntarily in your own county, I need scarcely ask you whether you do not think it ought to be adopted in other counties?

I think it would be wrong in the chief constable having certain duties to perform, to begin to open accounts with this man and the next man; there would be no end to it. I cannot see that it is a business transaction at all.

1375. You are aware, probably, that in some counties that plan has not been adopted?

I am, and I think they are wrong.

1376. Lord *Colonsay.*] You think that the pecuniary arrangements of your district are in themselves equitable, and that they are satisfactorily worked out?

Yes; I think in a public matter, like the appointment of constables to do a certain duty, what is done should be open to all the county. I think that our accounts should be seen, and that it should not be a matter of dealing in money matters between the persons wanting the constables and the chief constable; it should be all above board; they are public accounts, and anybody should be able to see them.

1377. You alluded to the equitable distribution of the expense between the county and the parties who employ the additional constables; you think it is an equitable arrangement?

Decidedly.

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1378. And beneficial to both parties?
Yes.

1379. Earl of *Innes.*] And you can say that the employment of those additional constables by the Tweed commissioners has not cost the county anything, can you not?
It has not cost the county a penny.

1380. *Chairman.*] You think that both parties gain by the management?
I think both parties gain by it. The Tweed commissioners get the services of those extra men, and they also get the services of the county men, and we get help from the extra men in our turn. I cannot see that either party has a word to say in the matter; it is an arrangement which is decidedly beneficial to both.

1381. That being the case, it being an arrangement on the one side with the Tweed commissioners, and on the other side with the chief constable, would it not be better that the county should have a word to say upon it, and that the county should have an opportunity of adopting the arrangement if they thought fit, or of putting an end to it if they pleased?
I think so, and to show that that has always been my opinion, I may state that I have never gone, except once, to the sheriff of the county to ask his approval. I hold that the justices are the parties, or the same gentlemen, the commissioners of supply, are the parties who should approve of my arrangements, and therefore when an application is made to me for the appointment of extra men, I do not go to the sheriff, but to the justices of the peace.

1382. Lord *Colonsay.*] To the police committee?
I go to the police committee first, but they can only recommend to the justices. I can appoint any number of additional men subject to the approval of the sheriff, or the justices in sessions assembled.

1383. *Chairman.*] Would not the feeling of the county be better expressed if it were submitted to the commissioners of supply rather than the justices; if it were subject to the approval of the commissioners of supply or the police committee?
To police committee.

1384. You think that that would be an improvement?
I do.

1385. Lord *Oxenfoord.*] You say that your men who are generally employed upon the river act in plain clothes?
They do.

1386. Sometimes I suppose you call them away from the river to assist your other police?
We do.

1387. Do you put them in uniform upon those occasions?
In certain cases; when they are stationed in a town the men have uniform to put on; in Coldstream, for instance, which is a largeish town, the men have uniform; but in a small village, where the man is so well known that it makes no difference, I find it is throwing money away to do it.

1388. Earl of *Lauderdale.*] How many constables have you under your control paid by the Tweed commissioners?
Twenty-one.

1389. Earl of *Doncaster.*] Are those employed the whole year round, or is the number increased at certain times?
It is 21 in the winter, and from six to eight in the summer.

1390. Earl of *Lauderdale.*] It is 21 in close time?
Yes.

1391. Is that number quite sufficient?
I have found it sufficient; I can put on more men, if necessary.

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1392. By taking them from the county?
By putting on more men. The arrangement with the Tweed commissioners is, that I am not to go beyond a certain expense.

1393. Then if more men are necessary, must you take the men from the county police?
No, if the funds will permit I appoint additional men; if not, I must do without them.

1394. Then the duty will not be properly done?
The Tweed commissioners ask me for an estimate at the commencement of the season, and from my experience I have a good guess what I shall want, and I make an estimate.

1395. *Chairman.*] The number of additional constables in Berwickshire is greater than the number of the regular force, I believe. I see in this return of Colonel Kinloch's, that the strength of the force in Berwickshire is 23, and that 21 men are employed on the Tweed, and six for enforcing the game laws; that makes 27 additional constables, 23 being the strength of the regular force?
Yes; I have a return (*producing a paper*); it shows the whole strength of the force under both the counties and the Tweed commissioners; you will notice that I only count myself once, I do not put myself down in both counties. The whole force is 75 men.

1396. Lord *Colonsay.*] You said, in regard to Haddington and Dunbar, that the county and burgh police worked smoothly together?
They do.

1397. You said that the superintendents in those burghs were taken from your men?
They were.

1398. And you have confidence in them?
Yes.

1399. You said something about your men having authority in those burghs, how is that?
Under the Police Act we have power in all parts of the county, and on the sea-coast. Our powers are defined by a clause in the Scotch Police Act; we can go into those burghs and do our duty there the same as in other parts of the county.

1400. Are you in the habit of doing so?
We are not in the habit of doing so, except when serious crimes are committed, which are beyond the power of the magistrates to deal with. When cases are handed over to the sheriff to investigate, we carry out the sheriff's orders and investigate them.

1401. Earl of *Camperdown.*] You do that in burghs which have a police force of their own?
Yes.

1402. Lord *Colonsay.*] That is the interpretation put upon the Police Act?
Yes. There is an awkwardness in it; the burghs pay no portion of our expense, and yet we have to do their duty sometimes.

1403. Earl of *Camperdown.*] Have they ever objected to your coming in?
Not in those serious cases; they cannot deal with them themselves.

1404. Lord *Penrhyn.*] Have you ever made a calculation of what the difference of expense would be between the cost of maintaining a force for a burgh separate from the county, and the cost that would be incurred if it were amalgamated with the county?
We have. Both the burghs I have spoken of have made an application, at different dates, to the police committee to amalgamate with the county, and an estimate was made of the expense. We calculated that it could be done at a saving of 50*l.* or 60*l.* a year to them.

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1405. To the burghs?
Yes, to the burghs.

1406. A saving of 50 *l.* or 60 *l.* upon what amount?
I think the offer was made to give them three men for 110 *l.*, and I believe it cost them about 170 *l.* I cannot be quite sure of the figures.

1407. Was the force of men you proposed to give them satisfactory in point of numbers?
Quite satisfactory; but there was a pressure brought to bear upon them from outside, from the shopkeepers and others who did not wish the county to have the power, and therefore it fell to the ground.

1408. You could give them as efficient a police as they have at present for a considerably less amount of money?
Yes, for 50 *l.* or 60 *l.* less.

1409. Out of 170 *l.*?
Yes, about that.

1410. Lord *Colonsay.*] What is your police-rate?
The police rate in Berwickshire is a penny in the pound; the police rate in Haddingtonshire is 1 ¼ *d.* Out of that we build stations and everything; the assessment could be reduced, but as stations will have to be built I have urged very strongly upon the commissioners of supply not to reduce it.

1411. Lord *Penrhyn.*] What burghs were you alluding to just now?
Haddington and Dunbar.

1412. *Chairman.*] You think it desirable, I suppose, to encourage burghs to unite with counties for police purposes?
Yes, it is a mutual benefit, for this reason: when a crime is committed in the county and the suspected party lives in a town, I have to bring in a county policeman to look after the case. The burgh policeman, if he were one of my own men, would do that without my having to send anybody in on purpose. Then taking it in another way: thieves go from the town and steal in the county; the burgh policemen certainly look out for that, but not so much as they would if they were under my control. I have no reason to complain that the burgh police do not do it, but I mean to say that they would do it more if they were under me.

1413. Without compelling burghs to unite with counties, are there any means by which they could be induced to do so?
No, nothing, everything has been done that could be done in East Lothian.

1414. You think the clauses in the Act which arrange the means by which burghs and counties can unite are fair towards the burghs?
I think they are, and until some outrage of a serious nature occurs which will bring out forcibly the fact that we have no authority to interfere, or that we should not interfere in the burghs, a push will not be made to unite with the counties.

1415. Lord *Colonsay.*] Will you explain what you mean when you say that you have no authority to interfere?
I hold that in the burghs of Haddington and Dunbar I am bound to execute the sheriff's warrant, but I do not interfere to make inquiries until the sheriff gives his warrant; assuming that a bank was broken into in the burgh, and 1,000 *l.* or 5,000 *l.* stolen, nobody could be charged, I could not get the sheriff's warrant. I say to the parties, I have nothing to do with it, you must find out your own case; if the thief is in East Lothian, I will search for him, but if he is in Glasgow I will not put the county to the expense of going to search for the man, because I have no warrant to apprehend him.

1416. When you said you had no authority in the burgh, you meant if you had no warrant?
I make search within the county, and do not incur any extra expense, but when it comes to sending to Newcastle or Glasgow in search of property stolen in one of the burghs not amalgamated with the county, I hold that I ought not to do it, because I have no right to incur the expense against the county.

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1417. Earl of *Camperdown.*] Without a warrant, could you follow up such a case as you have just instanced in Haddington or Dunbar?

If they go to the procurator fiscal for the county, and hand the case to him, if a person is accused and the charge is of a serious nature, he draws a warrant, and then we interfere.

1418. Lord *Colonsay.*] That is the sheriff's warrant still?

Yes.

1419. It is by virtue of the sheriff's warrant that you interfere?

Yes, the Police Act gives us the power of interfering without a warrant, but I do not think it is desirable to interfere otherwise.

1420. You have never done it?

I have never done it, except in this instance; supposing a person steals in another part of the county, and lives in the burgh, I go in without a warrant and apprehend him.

1421. You would follow him into the burgh?

Yes.

1422. Earl of *Lauderdale.*] If he had committed a crime out of the burgh?

Yes, we should follow him into the burgh in that case.

1423. Lord *Penrhyn.*] You told us just now that in the case of the proposed amalgamation of the burghs of Haddington and Dunbar, you proved that there would be a saving of considerably more than a third of the assessment of those burghs, by an amalgamation of the county and the burgh police?

Yes, there would.

1424. Under those circumstances, can you at all account for the reluctance of the burghs to amalgamate?

There were meetings about it, and they disliked centralization. Certain persons having power over their neighbours, disliked the Government system of centralization; they rather wished to keep the control of the police in their own hands.

1425. Earl of *Lauderdale.*] Except when it suits their pockets they dislike centralization; that is to say, except when they find they can save by it?

It did suit their pockets, but I think we enforce the public-house law a little more stringently than they do.

1426. As a matter of course they never do agree to centralization, except when it suits their pockets?

In our case they have not agreed, though it did suit their pockets. I cannot merely assent to the question that they never agree except when it suits their pockets, because they have not agreed when it did suit their pockets.

1427. Lord *Penrhyn.*] Even in this case where there would have been a saving of considerably more than one-third of the amount they expended, still, notwithstanding that, they declined to amalgamate?

They did.

1428. *Chairman.*] Do you know whether there is any instance of a burgh which had amalgamated with a county, reverting to its independence?

I have studied Colonel Kinloch's report, year by year, and I do not know of any single instance of it.

1429. Is there any power by any other statute by which certain places may amalgamate with the county; is there any power under the Lindsay Act?

No.

1430. For populous places there is power, is there not?

Populous places may establish a police force, if they have got a certain number of inhabitants. Under the County Police Act, without they have a population of 4,000 they cannot have an independent police. From the date of the passing of that Act they were allowed six months; and if they did not exercise the right of establishing a separate police force during those six months, they could not do it.

1431. Do you work in harmony with the fiscals of your two counties?

Quite so; there is not the slightest difficulty. I have a number of police reports

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reports here, and a number of letters from the procurator fiscal to me, to perform certain duties. Everything passes through my hands from the fiscal.

1432. Does not the procurator fiscal give orders occasionally to the constables, without those orders passing through your office?
If the procurator fiscal takes a precognition 10 or 15 miles away from head quarters, when he is there he instructs a constable there what to do; and if he sends him out of the county, he sends one of my subordinates to tell me what he has done, as soon as he comes back; but that is of rare occurrence, and it is quite right. I could not expect him to come back to head quarters for me to write to the constable what he was to do. If he had to do so, it would be an obstacle in the way of carrying out the duty.

1433. When he can he gives an order in regular course, does he not?
Yes, I have a number of letters from the procurator fiscal; if the Committee wish me to put them in, I will do so, to show the nature of the proceedings. That is one which I have taken at random, in which a number of complaints were sent to be served. That shows the style of the thing.

1434. This letter is directed to whom?
To the chief constable.

1435. Have you any of the orders which are sent to constables?
There is no such thing known; the fiscals never write to the constables.

1436. Lord *Colonsay.*] Such orders would, probably, be verbal?
They are just verbal orders to the constable who is on the spot.

1437. Earl of *Doncaster.*] If the procurator fiscal does communicate with a constable at a distance from Dunse, saying that he is going to Bristol, and wants him to attend him, he would send notice of it to the chief constable's office, would he not?
Yes, there are a number of such notices, wishing certain witnesses to be at certain places, and asking me to have them ready.

1438. *Chairman.*] The thing goes on perfectly harmoniously in your counties, therefore this is a mere question of theory; theoretically speaking, is the chief constable or the procurator fiscal primarily responsible for the detection of crime?
I hold that the chief constable is responsible for the detection of criminals, but the procurator fiscal is responsible for their prosecution.

1439. Would you imagine that any interference on the part of the procurator fiscal with the chief constable's operation in hunting out a crime would be improper?
I think it would. In any case requiring it there is abundant opportunity for communication. I have from time to time almost daily conferences with the procurator fiscal; if he has anything particular to say, he comes over to my room, or I go over to the procurator fiscal's room; we talk the case over, and I carry it out. We get no written instructions; we both have an interest in the matter, and the work is done.

1440. Therefore it is a joint responsibility?
I hold that I am responsible to detect and apprehend the offender, and he is responsible for his prosecution.

1441. Earl of *Lauderdale.*] The law is better carried out by your working together, in your opinion?
If we did not work together I am afraid it would be a very bad business.

1442. Lord *Penrhyn.*] You have never found a difficulty arising from there being two sets of people, one set employed by you and the other by the procurator fiscal, in working out the detection of the same crime?
We have not two sets of people; we do the whole work.

1443. Have you any organisation of a detective force?
We have a detective officer in each county.

1444. Is he attached to the office of the procurator fiscal?
No.

1445. One

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1445. One of the witnesses we have had before us rather proposed that there should be a central detective force in Scotland, which should educate and train a body of detectives to be afterwards spread through the different counties; do you think that anything of that sort is required in Scotland?

That proposal has been started for some years past. I have considered it very seriously, and I have strong objections to it for this reason: assuming that in Edinburgh there were 20 or 40 men established as a detective force, and they sent them out to different places; supposing they sent me a man to be stationed for three or six months at Dunse or at Haddington (I suppose that is the system advocated), there would be a jealousy on the part of my men against him. They would say, "This man is coming here to ferret things out, and we will give as little information as possible." They would work harder perhaps, but the man who was sent in would not get justice done him.

1446. You think it would be objectionable?

Decidedly; and I speak from 30 years' experience.

1447. Earl of *Lauderdale.*] You mean that a man who was sent from Edinburgh would not do the work so well as a man of your own county?

He would not, because the county men would not give him information.

1448. He would not know the people of the county like your own detectives?

No. If a detective were sent from Edinburgh to a country district he would not know the people and things there if the serjeant or constable stationed there did not give him information, and I am sure it would be withheld in many instances.

1449. Earl of *Doncaster.*] If you wanted a detective, might you not select a man who you thought would suit you as a detective in the county to be put into your force from Edinburgh or elsewhere, making him a portion of your force?

That might do, but a detective requires a good deal of training; a county detective requires to live in the county, to be of any value. If they sent a stranger to me to be in the county for twelve months or six months, he would be of no value to me for the first three or four months.

1450. If you wanted a detective you might have a man who had had a certain amount of training before you admitted him, and you might appoint him into your force?

Yes; that is in practice what we do; we look out either in our own force or in another force for a man who is equal to the duties, and then appoint him.

1451. A constable on first coming into any county requires certain information, of course?

Yes.

1452. *Chairman.*] Do you find it difficult to communicate with the chief constables of the different counties in case of a crime being committed?

I have found no difficulty in that. In the last four years we have used thin tissue paper, by which we write off eight copies of an information at once. I can send off 100 copies in a very short time.

1453. You experience no difficulty in that respect?

None. Of course we use the telegraph where we can get it, but we cannot get it into every place.

1454. Do you think it would be an advantage to have a police gazette established in Scotland?

It would be a great saving to the country. When a crime of rather a serious nature occurs, we have to print copies of the information, because, although we can write a good many with the tissue paper, still we cannot write a thousand copies, and we sometimes have to send a thousand copies off. If a police gazette were printed, it would be done much quicker.

1455. Cannot you make use of the London "Police Gazette?"

We can; but the London "Police Gazette" is so full that it requires a man to sit down and read it like the "Times" newspaper.

1456. You would have a gazette established in Edinburgh?

Yes, I would.

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1457. Lord *Penrhyn.*] I think we were told that very particular inquiry, and certificates as to the authenticity of the description were required, to get anything inserted in the London "Police Gazette"?

If we want a person apprehended, we must make a declaration before a magistrate.

1458. Earl of *Camperdown.*] I think you said that you had two constables employed in passing on vagrants; what is your system?

We have two extra constables in East Lothian; one is stationed at Dunbar, and the other at Haddington. At those places there are houses of reception for vagrants. They receive the vagrants and enter them in a return The vagrant gets food in the shape of bread; he has three meals a day. It is on the condition that he is passed on in the direction he is going, or if he is trying to get work, till he gets work. Having once got hold of him, we will not leave him till he goes out of the county.

1459. You pass them on to the next county?

Yes.

1460. Lord *Oxenfoord.*] To Mid-Lothian?

Yes.

1461. Do the Mid-Lothian police pass vagrants on to you in the same way?

Not in the same way that we do to them. Our system is this: the description of every vagrant is entered on a printed paper, and when he gets to the toll at the end of the county, under the escort of a constable, that printed paper must be signed by the toll-keeper, certifying that the toll-keeper has seen a man answering to that description pass out of the county. We pay him for every one he checks.

1462. Lord *Colonsay.*] I suppose this system of passing on must cease when the man has come to the opposite coast of Scotland?

Then he turns round and comes back.

1463. *Chairman.*] You have told us something about the constables appointed by you for the suppression of Tweed offences; you have a force also for the suppression of game offences, have you not?

We have

1464. You have no doubt as to the legality of that operation?

Under the Police Act I am authorised, subject to the approval of the sheriff or the justices, to appoint any number of additional constables, at the expense of individuals, to enforce the law; I hold that the law for the suppression of poaching is the law of the land, and it is my business to enforce it, and therefore, in appointing constables to enforce that law, I hold that I am doing right.

1465. In the 12th Clause to the Act, a number of statutes are named, which the police are desired to take cognizance of, but the game statutes are omitted from that list; you are aware of that?

The game statutes are omitted, and I think many others also.

1466. However, you have no doubt of the legality of what you do?

No; I have never felt any doubt of it.

1467. Earl of *Lauderdale.*] You think it is the duty of the police to detect poachers, and bring them to justice when they can; but do you think that it is the duty of the police to be watchers of game, and prevent the game being injured or destroyed?

To answer that question I should have to go a little further into it.

1468. You say it is their duty to detect poachers, that is, to bring them to trial, and to give information, but the question is, is it their duty to watch game and to do the duty of gamekeepers, in fact?

Under an Act of Parliament passed a few Sessions ago, certain powers were given to police officers to search people on public roads; nobody but a police officer can do that. An application was made in the counties of Berwick and Haddington, to allow the gentlemen's gamekeepers to be sworn in as constables to enforce this law; it is done in Renfrewshire, and some other counties in Scotland, but I objected strongly to it; I could not see how I could be responsible

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sible for the doings of gentlemen's gamekeepers; I could not see how gentlemen's gamekeepers would make any reports to me; altogether, I washed my hands of the transaction; but I said if there is not a sufficient number of police to enforce this Act of Parliament, I will appoint more at the expense of private individuals, because nobody but a constable can enforce the Act, and I am quite aware that in Berwickshire the constables are not thick enough to enforce it.

1469. An extra policeman, paid by the proprietors of game, is, to all intents and purposes, competent to detect these poachers, and to bring them to justice?

Quite competent.

1470. *Chairman.*] In fact, these six men are appointed in Berwickshire to perform the duties of gamekeepers?

They watch on the roads for the poachers, to enforce this Act of Parliament, to search them for game.

1471. Do they not follow them into the fields, and take up poachers under other Acts of Parliament?

They do not go watching fields regularly, but if they saw from the road a man poaching in a field, they would go on after him; but they have not the same power to search there; they would watch him from the road, and then search him when he came on to the road.

1472. Earl of *Lauderdale.*] In fact, they would go off the public road if they saw a man committing any other crime, to detect him?

Quite so.

1473. Earl of *Innes.*] In carrying out the protection of the Tweed by these men, appointed and paid for by the Tweed commissioners, have you ever found any obstacle on the part of the sheriff, or the sheriff's substitute, or the procurator fiscal, or have you met with any difficulty from any other authority?

I have never met with the slightest obstacle.

1474. It is all worked with great benefit and great harmony?

Yes; I have no instructions laid down that I am to report to one fiscal or the other. I exercise a discretion as to reporting to the sheriff's fiscal, or the justices' fiscal. We are working harmoniously together; I have never had the slightest difficulty with the sheriff's fiscal, or the justices' fiscal, or anybody.

1475. And the arrangement decidedly works to the advantage of the county in the suppression of crime?

It has worked to great advantage, and it has grown into the present state of matters. At first we began on a very partial scale. When I went to Berwickshire, I found that the police did nothing for the protection of the river, except to summon or apprehend a criminal upon a warrant when granted, but as to looking out for a man committing a breach of the Act, it was never thought about. At first we went into it on a small scale, and from that it has grown to its present state.

1476. Earl of *Lauderdale.*] As a general rule, do you not consider that poachers, independently of being poachers, are the worst characters you have to deal with in the county?

Decidedly.

1477. They commit other crimes, and are altogether the worst men, independently of their being poachers?

Yes, they are so; I am thoroughly satisfied of that, and I can show several instances of it. I know one or two villages where the poachers used to come in the month of September, in the same way as a gentleman who is going to shoot, and take lodgings for six weeks. Those poachers, I afterwards found, belonged to Berwick-upon-Tweed, and other places. These men are now completely banished from the Berwickshire part of the world. I do not know where they are gone to, but our present system has stopped them completely.

1478. *Chairman.*] Do you think it would be desirable to give the Tweed commissioners the power of treating with the county in the same sort of manner as a burgh has the power of treating with a county?

I do;

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I do; I do not think it is exactly right to the Tweed commissioners to leave them at my mercy.

1479. To leave the Tweed commissioners at your mercy?
Yes; I think in dealing with a body like the Tweed commissioners, it is scarcely right that the chief constable should say, "Yes, I will;" or, "No, I will not appoint extra constables to watch your river."

1480. It would rather strengthen your hands, and tend to the permanency of the system, if the county were enabled to make a regular agreement with the Tweed commissioners, would it not?
Decidedly; and I am of opinion that the protection of the rivers being of importance to the public generally, one-fourth of the pay and clothing of additional constables so employed should be paid by the treasurer.

1481. Earl of *Doncaster.*] With regard to the Tweed cases, you exercise your discretion as to whether you should hand them over to the justices' fiscal or the sheriff's fiscal, do you not?
Yes.

1482. I observe that there are a number of cases tried at Coldstream; those, I presume, are in the hands of the justices' fiscal?
Yes.

1483. Do you find it of advantage that the prosecutions of the offenders should take place as near as possible to the district where the offence is committed?
It is desirable; but there are several points of some difficulty which may arise. We have had one or two questions upon the bag-net fishing, which involved points of law; I rather carry those to the sheriff, because, when a point of law is involved, I think it is not right to ask the county gentlemen to look into a question of that kind.

1484. It is only questions of fact that you carry to them?
Yes; in those cases there is no difficulty.

1485. *Chairman.*] The Constabulary Returns are made out by each county, I think?
They are.

1486. They give a column of the number of persons charged with offences, the number tried, convicted, acquitted, and no proceedings, and that I think concludes the Return?
It does.

1487. Would it not be better to add a column or two, giving the number of cases in which the proceedings had been dropped?
It would; but I would be strongly in favour of the Secretary of State's Regulations, particularly the charge-sheet being altered, because the charge-sheet only takes in the number of persons apprehended; it is a report of charges from such a date to such a date in the Secretary of State's printed Regulations; it is Form (A.) (*see* Appendix).

1488. This is the form that must be complied with?
That must be complied with. It is assumed that we, under the Police Act, are empowered to watch, guard, and patrol, and apprehend all persons accused or suspected of committing any crime or offence. From reading that everybody would think that our practice is to apprehend all accused persons; we do not do that; for one person that we apprehend we report 20; those 20, unless the procurator fiscal grants a warrant or summons against them, are never reported.

1489. Lord *Penrhyn.*] In fact, you do not know by that return the crimes which have been committed?
You do not know them; it wants a column to be added for offences committed.

1490. Earl of *Lauderdale.*] In your return do you not put down every man you apprehend?
Yes, but supposing a man commits an assault upon another, and we report that to the fiscal, and he says, "This is a trifling case, take no notice of it," it is not reported.

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1491. Lord *Penrhyn.*] Supposing a theft or a robbery is committed, and you have no evidence to convict a man upon, that does not come into the return?

No; this is only a return of persons apprehended.

1492. *Chairman.*] Then this answer which a witness gave the other day is erroneous. He was asked, "In every case which is brought before the procurator fiscal, and which is not carried further by him, is every such case reported in any public way or recorded in any public way; supposing some trifling case is brought up and is reported to the procurator fiscal and goes no further than that, will that case appear in the chief constable's return?" The answer is, "Yes, the chief constable's return will mention all the cases he has reported"?

It will appear in that return which you first referred to; it does appear there, but that return does not profess to be a copy of this.

1493. Earl of *Lauderdale.*] I understand you to say that there is a return in which it all appears?

Yes, there is a return in which it all appears, but this Form A., to be of any value, should include all persons accused of crime.

1494. Lord *Penrhyn.*] Is Form A. the return which goes to the Secretary of State?

No, it is lodged with the sheriff's clerk.

1495. Is there any return to the Secretary of State?

Yes.

1496. Does that include all the offences committed, as well as the persons apprehended?

It does.

1497. From that return a calculation could be made of the amount of detection as compared with the amount of crime?

It might, but this form is not of as much value as it should be.

1498. Earl of *Lauderdale.*] You think it would be better if a column was added to that form?

I do.

1499. *Chairman.*] What would be the effect of the proposed column?

This form begins "Number of charge;" then it has a column, "When apprehended;" but it does not provide for a case in which no apprehension takes place at all. Then it goes on, "Name of Person Charged." There is a person charged, but there is not a person apprehended. If there were a column for when a case was reported to the procurator fiscal, that would be better.

1500. Earl of *Doncaster.*] You would put the column of "When apprehended" further on?

Yes.

1501–2. Earl of *Camperdown.*] Should you approve of the returns to the Secretary of State and the sheriff being the same; why should not the two returns be the same?

This Schedule A. seems to be drawn out as a form to check my return to the Secretary of State, and to the sheriff and police committee. The report which has to be made to the Secretary of State, the sheriff, and police committee, seems to have been adopted or ordered by the Secretary of State in addition to this one.

1503. Lord *Penhryn.*] I understood the question to be, whether there was any objection to the two forms being identical?

With me they are identical. In some counties I believe the Secretary of State's form of report is first laid before the sheriff, who writes upon it that he has seen it, and then it is handed to the police committee, and after the police committee have seen it, a copy of it goes to the Secretary of State; there are three copies made; one is laid before the sheriff, one before the police committee, and the third is sent off to the Secretary of State after the meeting of the police committee, so that they can add any remarks, if they wish to add any.

1504. Earl

1504. Earl of *Camperdown.*] That Schedule A. is simply valuable as being in check upon the other return?

That is all; and it lies in the sheriffs clerk's office to be used as a check if necessary, but nobody sees it.

1505. *Chairman.*] Does the sheriff assume any right to alter the reports which are to be submitted to the police committee?

With me, having charge of the two counties of Haddington and Berwick, the sheriff has never done that, because I have never submitted the report to him before sending it to the police committee; I would think that I was acting wrongly to the police committee to put before them a report which the sheriff had examined first, and which he said was right or wrong; they do not wish to have the sheriff's report, they wish to have my report; therefore I lay before the sheriff on the one part, and the police committee on the other, a duplicate copy of the report, and they can either of them say what they like about it; but I do not think it would be right to subject the police committee to such a state of things as having a report sent into them after the sheriff had seen it, and said whether there ought to be alterations made in it or not.

1506. If you were required by the sheriff to submit the report first to him, you would hold that to be beyond his power, I suppose?

I would.

1507. Supposing the police committee were to come to a resolution to the effect, that every report of the chief constable should be first submitted to the convenor or his clerk, before being submitted to the police committee, should you hold that that was a legitimate course to take?

No; I am told that I am to report to the police committee; I only know the police committee as a committee; they may give my report to whom they like afterwards; their clerk is the person I deal with; I am not told to deal with the chairman; I am told to deal with the police committee; of course I see the chairman frequently, and talk the matter over with him, and I show him my report beforehand, but it is a matter of courtesy in order to carry things on sweetly.

1508. Your business is, in fact, to report to the police committee, and not to submit the report to anybody before the police committee get it?

No; I think any member of the police committee could call me to account if I did that.

1509. Earl of *Lauderdale.*] You are to report to the magistrates in quarter sessions, are you not?

The justices in quarter sessions assembled may call upon me to make another report to them if they wish it; but it is seldom that they do wish such a thing

1510. It is they who direct you, is it not?

If they say we wish you as chief constable to make a report to us regularly in quarter sessions, I should do it.

1511. It is the justices who direct you to report to the police committee, is it not?

No; it is the Secretary of State who directs me to do that.

1512. *Chairman.*] And the Act of Parliament?

And the Act of Parliament.

1513. The order in which the word "sheriff" and the words "the police committee" come is different in the general instructions of the Secretary of State, from what it is in the Act. In the Act of Parliament the chief constable is required to report to the police committee, and the words "the sheriff" come afterwards; do you think that the order in which those words come has any effect upon the meaning of the instruction?

When the Secretary of State's instructions first came out, the police committee were named first, and the sheriff second, but after they were revised the words were transposed; I have found no practical difficulty at all in the matter; everything goes on very sweetly, but undoubtedly the order was altered.

1514. Is there anything else you wish to say to the Committee?

I should like to say something upon the question of superannuation.

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1515. Are you of opinion that the men would submit to a deduction from their pay of 2½ per cent. for the purpose of making up a superannuation fund?

I do not think that the men would willingly submit to that deduction, unless their pay was increased in proportion; but I think that the men should be made to pay. We have great difficulty in keeping men under the present circumstances. I have made a return showing what we do. I hold out as an inducement to the men, that if they will serve in the police faithfully for five or six years, at the end of that time, if they think they are worth better employment, I cannot give them better pay, but I will further their views by getting them better employment. This is a report showing what employments the men have been got into by me (*handing in a Paper*). (*see* Appendix.)

1516. By that means you lose the services of men who are perhaps very well able to serve the public as constables?

By doing that I secure the services of a better class of men, but I lose their services after five or six years.

1517. Earl of *Lauderdale.*] But if there was a superannuation fund, do you think the men would stay?

They would then stay in the county force; but I have to adopt this plan of getting them into situations as gaolers and so on, for want of a superannuation fund.

1518. That is entirely owing to the want of a superannuation fund?

It is entirely owing to that.

1519. Lord *Penrhyn.*] Have you different classes of constables, a first, second, and third class, with different rates of pay?

Yes.

1520. Do they arrive at the higher classes by service?

By service and merit.

1521. Notwithstanding that inducement of additional pay, you think it is still requisite to have a superannuation fund?

Decidedly.

1522. But you do not think that the men would consent to a stoppage from their pay for that purpose, without having a general increase of pay?

They would not.

1523. Has there been an increase, taking it altogether, in the pay of your force?

There was an increase two years ago of 1 *s.* and of 2 *s.* a week, according to rank.

1524. Was that in consequence of any corresponding rise in the rate of wages throughout the county?

It was consequent upon a new order of the Secretary of State that the rate of pay should not be less than 17 *s.* 6 *d.* per week.

1525. Has it been found necessary to make any alteration in the pay in consequence of a variation in the current rate of wages in the county?

My first constables had 16 *s.* a week, that was the highest rate of pay of the first constables I had under me in East Lothian, and they were thought to be well paid; that was 28 years ago. The lowest rate of pay is now 17 *s.* 6 *d.*, and the men are only upon that for a very short time. The second rate, which is the general rate, is 19 *s.* 6 *d.*

1526. Has the current rate of labourers' wages in the country increased in proportion?

Decidedly; it would not be justice to the constables if their pay had not been increased, because the rate of wages has increased so much.

1527. Earl of *Doncaster.*] As to the lodging of the constables, is there any deduction from their wages when they are provided with a house?

The county authorised me, where station-houses were not built, to rent station-houses. In some villages I get them for 30 *s.* a year; in other towns I have to pay

pay as much as 7 *l.* a year, but we only deduct a shilling a week from every man's pay.

1528. Lord *Penrhyn.*] What rate of deduction do you propose for the superannuation fund?
Two and a half per cent.

1529. Are you not aware that in many counties in England the superannuation fund is supposed to be likely to break down?
I am; but I think the county should be assessed to make up that deficiency; I think that some annual assessment should be added to the superannuation fund from the very commencement.

1530. The fines in Scotland, I think, do not go to the superannuation fund as they do in England?
There is no superannuation fund in Scotland.

1531. But the fines do not go to the police rate?
The public-house fines do.

1532. The whole, or only half of them?
The whole.

1533. Does that amount to any large sum?
In some counties it amounts to a considerable sum, but it is not much in others.

1534. Those are the only fines that go to the police rate?
The half of the fines imposed under the Game Acts go to the county.

1535. Do you think it would be desirable as forming the groundwork for a superannuation fund, or as an assistance to it, that those fines should all go to the police rate?
I think that certain fines for assaults, in fact, in cases in which the police are mixed up for the preservation of the peace, should all go to the police rate.

1536. In cases of information by the police?
The police give all the informations; it would be rather difficult to draw a line; you could not take only those in which the police were witnesses, because there might be a difficulty where a policeman is a witness, and a private person is a witness, in drawing the line to allocate the fines, to decide whether the policeman was the informer, or whether it was the private person who called the policeman's attention to it.

1537. Earl of *Lauderdale.*] How long do you consider that it takes to make an efficient policeman?
Six months; in six months he will understand his duty.

1538. You do not consider him to be a thorough policeman under a twelvemonth, I suppose?
I do not; but in six months, if he is a smart man, he may pick up sufficient to make him useful.

1539. Then if you have to change them every five years, and it takes a twelvemonth to make a thoroughly efficient policeman, a considerable portion of your police must be always inefficient if you change them every five years, and this is all owing to the want of a superannuation fund?
It is owing to that entirely. I have a return here showing the length of service of the men under me. One man has served 12 years; one man has served 10 years; one man has served nine; then coming down the list, the greatest number, 10, have served between one and two years. That shows exactly the state of matters bearing upon that point.

1540. *Chairman.*] How are the fees that are paid from the Exchequer accounted for?
They are accounted for in this way: after paying outlay in Berwickshire, the balance is paid over to the county, and my cash book is audited by the clerk to the finance committee.

1541. The balance only appears in the county account?

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The balance only appears in Berwickshire. In East Lothian the whole sum appears, and the outlay appears on the contra side.

1542. Is that a satisfactory mode of accounting for it?

Either plan is quite satisfactory. In Berwickshire there are so many vouchers down to 6*d*., that it would be an endless affair to pass them through the county accounts. Therefore it is not done: it would make a perfect bundle of accounts; there would be 100 or 200 every quarter.

1543. Do you make the same arrangement as you say you make for additional constables, when constables are required for a private purpose not strictly within their duty; if they are required for races or private parties, they are paid extra, are they not?

At a race meeting an application is made for 10, 20, or 30 men; the committee for the races are charged at the rate of from 1*s*. 6*d*. to 2*s* 6*d*. per man, to find him refreshments and his bed, and the railway fares are also charged; that the race committee pay, and it is paid over to the men, but it passes through my books, so that the county can see that I have paid away exactly the amount received. The county give the men's time for nothing; the men continue to get their pay all the time.

1544. But the payment passes through the regular books?

It passes through the regular books.

1545. Lord *Colonsay*.] When you talked of a superannuation fund, had you in your mind any particular amount of superannuation?

Yes, I have thought a good deal about that, and I am strongly of opinion that a man on joining should know what he is entitled to after he is 60 years of age; I would not give it them until they had served sufficiently to warrant their getting it, because the county being assessed to make up the fund I consider that the county should have their services; but having arrived at 60, and being certified unfit for further service, I would not leave it open as it is in England, where the highest sum only is fixed. The justices are entitled to give them a sum not exceeding two-thirds of their pay; they have fixed the maximum, but the minimum is not fixed. A man does not know, if his conduct is not very satisfactory, how little they may give him. I certainly think that, in justice to the men, the minimum should be fixed as well as the maximum.

1546. What amount do you think ought to fixed both for the maximum and the minimum?

I think it should be not more than two-thirds after 60 years of age, and not less than half pay; but under the present circumstances he can get a fourth only.

1547. Your notion is to fix one-half and two thirds for the minimum and maximum?

I think so; a man should be entitled to get it then, and he should know what he is to get; I would not leave it an open question. It is said that in practice it never comes down to anything like a quarter of the pay; but in dealing with men you should tell them what you are going to do with them.

1548. Do you think 60 too old an age to keep a man at police work?

I do not.

1549. *Chairman*.] Do you mean that they are to be entitled to a pension if they retire after a certain amount of service, and at a certain age; or do you mean that they are to be entitled to it after being reported as incapable of further duty?

I think, seeing that counties would have to bear the burden, because though the men are outwardly to pay for it, still it is really the counties who bear the expense, because they increase the wages in proportion (it is done for the purpose of securing good men). I would make those men serve as long as they were able to serve, and therefore although they arrived at 60, if the police committee thought that those men were quite equal to their duties, and wished to keep them on two or three years longer, they should not be bound to give them a superannuation.

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1550. Earl of *Lauderdale.*] If you kept them on in that way, would you keep them 30 years in the service?
I would keep them 30 years in the service, if necessary.

1551. Do you not think that a man should get more if he served for 30 years?
Yes. I would have a scale; but I would not let a man have a right to say, "I shall go away with a superannuation." He should be made to serve as long as he was able to serve.

1552. *Chairman.*] As long as there was any work left in him, you would say you had a right to keep him?
I would.

The Witness is directed to withdraw.

Mr. RICHARD BOULTBEE, is called in; and Examined, as follows:

Mr. *R. Boultbee.*

1553. *Chairman.*] You are the Chief Constable of Selkirkshire, and also of Roxburghshire, I believe?
I am.

1554. You have the command, I think, of a force in each of the two counties for the protection of the Tweed?
I have.

1555. In the county of Selkirk you have eight additional constables, I think, for that purpose?
We have five at the present moment; we are allowed eight.

1556. Do you find that number sufficient to enable you to suppress poaching?
Not effectually.

1557. Has the arrangement worked tolerably successful in Selkirkshire?
Very much so indeed.

1558. You appoint the constables at the instance of the Tweed commissioners, I believe?
Yes.

1559. And with the sanction of the sheriff?
And with the sanction of the sheriff.

1560. The county itself has no direct voice in the appointment of the constables?
No.

1561. I suppose, in point of practice, they approve of the arrangement?
They approve of the arrangement.

1562. In the county of Roxburgh, do you find that similar arrangements work satisfactorily?
Very well.

1563. You have done a good deal by that means to suppress poaching?
It has been very successful indeed.

1564. What court are the Tweed cases tried in, in the county of Selkirk?
In the sheriff's court.

1565. Do you find that answer; do you find that the cases are properly conducted, and well looked into?
Quite so.

1566. How is it in reference to the county of Roxburgh; do you prosecute the Tweed cases in the same court; that is, in the sheriff's court?
No; they are prosecuted before the justices of the different districts.

1567. You prefer in Roxburgh the justices of peace courts to the sheriff's court?
Decidedly.

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1568. Why should there be a difference in the arrangements in that respect between the two counties?
In the first place the county of Selkirk is very small; it would not allow of any other arrangement; the cases must all come to Selkirk; there is no other court for them to go to; there are no district courts.

1569. But is not there some saving of expense, in the case of the county of Selkirk, in bringing them before the sheriff's court?
No; they cost the county nothing at all; the county has nothing to do with it.

1570. In the ordinary cases, not in Tweed cases, but in cases of theft, there is a saving, I believe, to the county in bringing the cases before the sheriff rather than before the justices of the peace?
Surely, because the Exchequer pays.

1571. But that does not hold good in regard to the Tweed cases?
No, it is entirely different.

1572. Do you find that the employment of the forces of the additional constables, and also of the regular constables to assist them in the suppressing of the Tweed offences, produces any unpopularity against the force?
I think it does amongst the lower orders.

1573. Do you find that the lower orders are unwilling to give information in regard to Tweed offences?
Certainly.

1574. And that that produces a bad moral effect upon their disposition towards the whole force?
Only in the case of the very low population. I do not think it does in the case of the others at all.

1575. The length of river which you have to protect is very great, is not it, in Roxburghshire?
It is very great indeed.

1576. How many additional constables have you?
Eight.

1577. Of course it is quite out of the question that those eight constables should suppress poaching, or do much even towards it?
They can check it in great measure, but it is impossible to suppress it.

1578. Do you know at all the length of river you have to look after?
It is 100 miles.

1579. Of course the constables cannot be at work more than 12 hours a day, or something of that kind?
There are many times when the constables are not required to perform any duty upon the water at all. There is often a week or ten days together when the river is unfishable.

1580. At that time no watching is required?
At that time no watching is required.

1581. Earl of *Innes.*] At that time, when no watching is required upon the river, those men are available for county work?
Certainly.

1582. *Chairman.*] It requires a very great deal of care and a very great deal of trouble, does not it, to get prosecutions against the Tweed cases; in the first place, to discover the offenders?
Yes, it is very hard work indeed.

1583. Is not it rather hard that the county should be made responsible for putting down offences of that kind?
I do not know that the county is responsible.

1584. You think it adds to the unpopularity of the force, do you not, to have them engaged in that work?
I think it does, but I do not know that it is more so than any other; the police are never a popular body wherever they go, no matter what county it is in.

1585. But would it not be desirable, if the police are to undertake that kind of duty, that a sufficient force should be established to give them some chance of effectually carrying out the object for which they are appointed?
No doubt.

1586. What do you think would be a fair number of men really to suppress poaching in the Tweed and the Roxburghshire rivers?
It is almost impossible to say, it is such a large extent.

1587. The habit of poaching is so engrained amongst the population that it would require a very large force, would it not, to suppress it?
A very large force; but I think it has been greatly checked in the last two years.

1588. I suppose a considerable check has been given, has it not, to the gangs who used to frequent the rivers?
Decidedly.

1589. In that respect the present arrangements have worked very well?
Yes.

1590. With regard to all the minor offences under the Tweed Acts, do your constables take cognizance of them?
Yes, always.

1591. Who fixes the number of additional constables that should be employed for the protection of the Tweed?
It was an arrangement between the county and the Tweed commissioners that they should find eight permanent men, instead of the former system of having a number of men employed in the winter time for three or four months, and then dismissed.

1592. When you talk of an arrangement between the county and the Tweed commissioners, what do you mean by the county?
The police committee.

1593. But the police committee under the Act has no authority to give any opinion under Clause 7?
But I think they would have full power to object to it, if they thought proper. I brought it before the police committee for their sanction.

1594. But it is beyond the legal power of the police committee to take cognizance of that under the clause?
I suppose it is; it must be done with the sanction of the sheriff.

1595. From what you say now, I imagine that you would rather like than otherwise that the police committee or the commissioners of supply should have a direct voice in it?
I think it would be far better.

1596. That they should be able to say, on behalf of the county, whether they approved of such an arrangement as is now being carred out in Roxburghshire or not?
I think so.

1597. Would you prefer that it should be done by giving to the police committee the right to veto such an arrangement, or would you have it done in the same sort of way that the burghs are permitted to amalgamate their police with the counties, by a general arrangement between the commissioners of supply or the police committee on the one side, and the burgh on the other; which of those ways should you prefer?
I think it would be far better that it should come through the police committee.

1598. Assuming that the county should have a direct voice in saying such an arrangement shall or shall not be made, it might be effected either by the police committee having the right to approve or disapprove of the appointment, under Clause 7, of additional constables, or it might be done by a regular treaty between the Tweed commissioners and the county, just as the burghs treat with the counties in a similar case; which of the two ways of doing it would in your opinion be the better?
I think that the sanction should come from the police committee.

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1599. Has the circumstance of your having taken the charge of the Tweed constables been productive of any bad blood, or of any dissension in the county?

Yes, I am afraid so.

1600. Earl of *Lauderdale.*] You mean that the detection of poaching is not popular in the country districts?

I do not allude to that at all.

1601. Earl of *Doncaster.*] It is rather with regard to the county that you speak?

Yes.

1602. *Chairman.*] If the county had a direct voice in approving or disapproving of the arrangement, do you think that harmony would be more likely to be obtained?

I think so.

1603. And permanency, which in any arrangement of that kind is very desirable, is it not?

It is useless if it is not permanent.

1604. If there is a fear that at any moment it may be broken through, it operates injuriously?

Yes, it should be made permanent, so that the arrangement cannot be broken through.

1605. Have you had any difficulty in acting in harmony with the procurator fiscal in Roxburghshire?

Very great difficulty.

1606. Have you had any difficulty in the county of Selkirk in that respect?

Not the slightest, as regards fishing matters.

1607. As regards other matters?

Never, but once, and then the sheriff substitute interfered, and the fiscal was very reasonable in the matter.

1608. Is it the habit in the county of Selkirk for the procurator fiscal to give orders to the constables without their passing through you?

He never did so but once; that is the case I allude to.

1609. And you find that it acts quite harmoniously in Selkirkshire?

Quite.

1610. In Roxburghshire is there a different rule in practice?

Yes.

1611. Is the procurator fiscal in the habit of giving orders to the constables without the chief constable's knowledge?

Yes.

1612. Do you find that that has acted in any case really to the prejudice of justice, and that it has in any respect been an inconvenience to the public?

Certainly, if he interferes before the police have completed any inquiry.

1613. You think that the police ought to complete their inquiry first?

Yes, most distinctly, or else they have no chance of detecting crime.

1614. But is not it the business of the procurator fiscal, the moment an offence is reported to him, to take measures to have it traced out?

I think the cases should not be reported to him till they are complete.

1615. But they always are reported to him at once, are they not?

They are obliged to be, at least those were my instructions from the sheriff.

1616. Under the present law you are obliged to report all cases at once to the procurator fiscal?

Yes.

1617. Then is not it the case that after that the police are allowed to take their own course in tracing out the crime?

No, he takes up the case then, and he precognosces the witnesses, and carries on the case himself.

1618. Do you mean that he precognosces the witnesses before the case is fully completed?
He very often does.

1619. Has it ever occurred to you that the procurator fiscal has taken action in the detection of any offence simultaneously with the chief constable?
Yes.

1620. Can you state any case of that kind?
On the 21st of September, 1867, a stack house was burnt on Bewlie Mains, on the property of Lord Polwarth, and on the 24th a shed was set on fire at the same farm. I gave directions then to the constable of the beat to watch certain parties, whom I had a strong suspicion of as being the guilty parties, and to report the result of his inquiry to me. The constable brought in a report, and he was seen by the procurator fiscal coming into the town. The procurator fiscal took that report from him, and sent him back to his beat without the constable ever coming to report himself at the head office, which he should have done, and the procurator fiscal also at the same time sent another constable with a conveyance to get certain witnesses together without my knowledge at all.

1621. Were you absent at the time?
I was in the office at the time waiting for the man's report in order that I might act upon it.

1622. Is your office distant from the office of the procurator fiscal?
It is in the same building.

1623. How was the case proceeded with?
On the 19th of the same month of September, 1857, the procurator fiscal received information direct from a farmer that a straw barn was burnt down at the same place. He then ordered a serjeant to go and take two constables along with him and make inquiry. The serjeant reported to me the orders he had got, and I ordered the serjeant to return to me and report the result on the same night. The serjeant never returned; I was kept in Jedburgh the whole of that day waiting for this man's report. I had ordered him to come back at once; he never returned till five o'clock the next evening, during the whole of which time my hands were tied, up waiting for this man, fancying he had got a trace of some party or other who was supposed to be guilty of the offence. Upon my asking him his reasons for remaining, he told me that he had been ordered by the procurator fiscal to wait at the farm till the next day, in order that he might precognosce some witnesses. The procurator fiscal went over the next day, according to the instructions he gave the serjeant, and when he got there he told the serjeant he might go home, he had no further use for him.

1624. Do you think that if the whole case had been left to the police to deal with, there would have been a greater chance of detecting the offender?
I am morally certain that in that case the crime would have been proved if I had been let alone to act in the way I wished.

1625. The case was taken out of your hands entirely?
We were working at cross-purposes; the procurator fiscal was working one way and I was working the other.

1626. I suppose if the procurator fiscal had informed you beforehand of what he thought was desirable, you would have desired to act in conformity with his wishes?
I should; at the same time giving him my opinion upon the case.

1627. Who do you consider, under the present law, to be responsible for the detection of crime; is it the procurator fiscal or is it the chief constable?
I should presume that the fiscal was; you cannot hold the chief constable responsible if he is to be interfered with; you cannot have two detective authorities.

1628. Was this conflict of authority reported to the superiors in any way, or was any inquiry made into it at the time?

I mentioned

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I mentioned the case to Lord Polwarth, and I believe he spoke to the sheriff upon the subject; I cannot say for certain.

1629. Is it often the case that orders are given to constables without your knowledge?

It is not so often the case now as it was, but when I first took the charge of the force it was constantly done, not only by the fiscal but by his clerk. I have a number of letters here to show the system (*producing a packet of letters*). I have here about 20 letters, and two or three telegrams, but these only form a very small portion of the letters received by the constables.

1630. They were not cases of any particular emergency when there was a necessity for acting in concert?

Not at all.

1631. What sort of orders are they?

Here is a letter from the procurator fiscal's clerk (not the procurator fiscal himself) to a serjeant of police.

1632. What is the date of it?

December 1866, I think. I will take another, of which I am sure of the date. On the 22nd of November 1865, there is a letter to the serjeant at Hawick:—"Sir, I enclose complaints for service upon John Mitchell and others, for fishing at Barn Hills. You will be good enough to serve Mitchell and Young personally. In order that you may be able to do so, the diet of trial has been fixed for Wednesday, the 6th of December; you have therefore up to this evening, or Wednesday the 29th current, to serve them. I also enclose complaints against William Saunderson, whom it is desirable to serve personally also. This trial has been fixed for the same day. It will be prudent to keep Rae's and the previous copies until you find the others.—Your obedient Servant, *John Lee*, Clerk to the Procurator Fiscal." There is a whole number of these to a similar purport.

1633. Do you happen to know whether you were absent at that time?

If I am absent a superintendent or inspector is always present, and a clerk is kept at the office for that very purpose, besides a constable, who is told off entirely to wait upon the fiscal.

1634. Are those all orders which you have in that bundle?

They are all orders; some of them are telegrams.

1635. The orders are returned to you?

They are bound to be returned to me by the regulations of the service.

1636. Do you find this a practical inconvenience in the service.

It is a great inconvenience, because you do not know what your men are doing; you have no check upon them, to begin with. In the second place, they are taught not to look up to you as their chief.

1637. It is bad as regards discipline?

It is very bad as regards discipline.

1638. Is there any doubt as to the right of the procurator fiscal to act in that way?

I have very great doubts about it myself.

1639. Could not it be checked at the instance of the sheriff; could not he require or advise the procurator fiscal to communicate to the constables through the chief constable?

Yes.

1640. Are you aware whether that has ever been done; whether the procurator fiscal has ever received any such advice?

I believe so.

1641. From the sheriff?

From the sheriff; I wrote to the fiscal upon the subject myself once; his answer was, "he should communicate direct with the constables when he thought proper."

1642. Earl of *Camperdown.*] Have you any remedy of your own for this state of things; what remedy should you prescribe?

The only remedy that I could have would be to give the constables distinct orders not to attend to the directions of the procurator fiscal; but I do not know how far I should be borne out in that. It would be very bad to have such a conflict of authority as that.

1643. Would this meet your approval, that the chief constable should have the charge of a case until it arrived at the prosecution; that he should have the whole duty of hunting out the case, and then that he should hand it over to the procurator fiscal, as the legal authority?

Yes, just so; the procurator fiscal would then step in as prosecutor, and prove the case.

1644. Is that your opinion?

That is my opinion.

1645. Lord *Colonsay.*] Do you think that, in a case of fire-rasing, the procurator fiscal, as the officer of the sheriff, should not interfere to investigate that offence?

Not until the police have followed it up.

1646. Earl of *Doncaster.*] As I understood you, what you complained of was, that the procurator fiscal communicated direct with the serjeant and constables in different parts of the county, instead of making his communications through the head of the force?

Exactly so.

1647. His office, and the offices of the chief constable, being under the same roof?

They are under the same roof.

1648. In fact, I believe your rooms are almost contiguous, they are almost touching one another?

They are

1649. Earl of *Camperdown.*] Supposing that the procurator fiscal were on the spot when a crime was committed, would you entirely prohibit him from giving any direction to the constable on the beat?

Not at all.

1650. Would you make it necessary for the order to pass through the chief constable, who might be 20 miles off?

Not at all; I never objected to his doing that at all. If the procurator fiscal is out precognising witnesses in a certain case, I think he should have the right to give directions to the constable in charge of the case, without referring to the chief constable at all; but what I object to is, that when these cases are reported to him at his head office, there is no communication with the chief constable, who he ignores as the chief of the police, by sending orders direct to his men.

1651. Lord *Colonsay.*] You think that that was calculated to produce bad feeling between them?

Yes.

1652. And it was an uncourteous proceeding?

Yes.

1653. Earl of *Camperdown.*] What you have just said very much qualifies your previous answers, of course?

Yes, it does; but my opinion, "as to the distinctive rights and position of parties, remain the same; the position of public servants should not rest in any degree on courtesy."

1654. *Chairman.*] Do you think that the relative powers of the two officers, the chief constable and the procurator fiscal might be better defined than they are now?

I think they should be entirely distinct. The same system, or nearly so, was worked

worked in the Mauritius, in which force I was for six or seven years; a regulation was drawn up by Mr. Dickson, now the sheriff substitute for Glasgow, and we had the same sort of thing there, but then the procurator fiscal, or procurator general as he is called there, never interfered till the case was laid before him by the police. If the case was not sufficient, or if it was wanting in evidence in any way it would be referred back to the police officers to make it complete. The moment the case was complete, and the police can get no more evidence, then the case is either dropped or the procurator general takes the case for trial.

1655. Lord *Colonsay.*] The procurator general there was in a somewhat similar position to the Lord Advocate in Scotland?
Yes.

1656. But that is a different thing from the procurator fiscal?
Yes; he was the head public prosecutor. In each district there was a district magistrate, and the police brought the cases before him, and any cases he could take cognisance of he tried summarily, at the instance of the police, but in cases of murder, rape, housebreaking, or cases of that kind, the police got up the evidence and brought that evidence before the district magistrate. The evidence was all taken down by the magistrate's clerk, the case was then sent to the procurator general in the same way as you send in Scotland to the Lord Advocate for instructions. But in all such cases which are now tried summarily by the sheriff it is exactly the same thing, the police are never interfered with.

1657. *Chairman.*] I understand your idea to be this, that justice would be more often attained, and more offenders would be apprehended, if the working out of a case was allowed to be in the hands of the chief constable, without interference, until the evidence was pretty nearly completed?
Yes; it ought to be, in my opinion, in this way. When a police report is sent in, of course the constable upon the beat is the proper man, and the man you must hold responsible for the detection of that crime, if it takes place on his beat, with the assistance he may get from head quarters. He is obliged to make out the report; that report is sent to the procurator fiscal. If the report is not found sufficient the procurator fiscal should send it back to the chief constable with a remark upon it, saying that he wants further evidence of such and such a thing; the chief constable should carry it out at once, and again send it back to the procurator fiscal; but I contend that the procurator fiscal should not go out into the district to detect crime.

1658. Lord *Colonsay.*] Do you mean that he should not take precognition of witnesses?
Certainly, he should. In reported cases he is bound to take precognition.

1659. He has to go over the ground again, then?
In serious cases he would, but in minor cases it is not necessary for that to be done. In most cases they might prosecute upon the police report.

1660. You think that the duty should be more clearly defined; is it your notion of the definition of the duty that the procurator fiscal should not investigate the offence, but should wait for the prosecution?
I think so; that is my opinion.

1661. Then, if the procurator fiscal goes to investigate a serious offence, such as murder, I think you say you would never find fault with his employing constables for that purpose?
No, not at all; I refer to minor cases, where I do not consider that there is any occasion for the procurator fiscal to interfere.

1662. The letters you read to us have reference to serving copies of complaints?
Yes; in the minor cases, the information the procurator fiscal wants should come through the chief constable.

1663. It appears, from what you say, that in Roxburghshire there is not a good understanding between the chief constable and the procurator fiscal, and that that leads to inconveniences?
It does.

1664. *Chairman.*] Do you know whether that practice was in force before you

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you were appointed chief constable in Roxburghshire; that is to say, whether the procurator fiscal was in the habit of giving orders to the constables?
I believe so.

1665. It is no new system then?
Not at all.

1666. Earl of *Doncaster*.] You are aware that under a recent arrangement the justices' fiscal has the power to prosecute for offences committed under the Tweed Acts?
Yes.

1667. Have you had the same difficulty with him as you have experienced with the sheriff's fiscal?
Not at all; quite the contrary.

1668. Lord *Colonsay*.] Poaching in Roxburghshire, upon the Tweed, has been very considerably put down, has it not?
It has.

1669. It was upon your recommendation that the constables that were permanently employed were so employed?
Yes, as regards the Tweed.

1670. Was eight the number you suggested as the proper number?
I was speaking on the subject to the Tweed commissioners, and they said that eight was the most they could afford.

1671. Upon conferring with the commissioners it was considered that eight would be enough?
The system was so thoroughly bad, that I saw it could not work well in any way whatever.

1672. What do you mean by "The system"?
The old system of employing temporary men.

1673. The present system of employing permanent men you think has worked beneficially?
I do.

1674. It can hardly be expected that poaching can be entirely suppressed, but has it been partially put down?
It has been put down partially.

1675. Do you think it would be desirable to have more men to assist the men already employed?
I do.

1676. But the difficulty is, that the commissioners do not choose to pay for more men; is not that so?
That is the difficulty.

1677. Lord *Penrhyn*.] The commissioners said they could not afford to pay for more than eight; have you the power to refuse that eight?
I could; but I do not think that I should be justified in doing so.

1678. Why not?
I think they are entitled to eight men if they choose to have them on.

1679. If they would not let you have a force sufficient to protect that river are you bound to protect it?
No; I do not know that I am bound to protect it, but the Tweed commissioners would have to go back to the old system of temporary men, and the county police would be knocked about for nothing at all.

1680. You think eight permanent men better?
Yes; formerly we had 20 men or more; we had to pick up any men that we could get; these men were more often than not in league with the poachers, and upon every occasion they would come and bring out the county constables to protect them; the county police did all the work, and the county got no benefit. I recommended to the county that the Tweed commissioners should have

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eight permanent men instead of the temporary men, considering that it would be a great advantage to the county.

1681. The new system, although not perfect, is better than the old one?
It is.

1682. *Chairman.*] Your system is different from that followed by Mr. List in Berwickshire?
I do not know his system.

1683. Your men are all dressed in the same uniform, are they not?
They are.

1684. And they are undistinguished from the rest of the force?
Yes.

1685. Do you think that is as good a plan as keeping them distinct, and dressing them in plain clothes?
I think so; I think the county is entitled to the use of them; I will give an instance; at the time the Queen came to Kelso, if it had not been for the Tweed men, we could not have kept the peace without seeking aid from some other county.

1686. Surely the people themselves would have kept the peace in that case?
The people cannot prevent accidents; I do not say they would break the peace, but it is not very easy to keep a Scotch crowd quiet.

1687. Have you any difficulty sometimes in knowing what orders you have to obey, because the sheriffs or the justices are entitled to give all lawful orders; that is rather indefinite, is it not?
It is.

1688. Has any case occurred in which you have not known how to act in consequence of different orders being given?
Yes.

1689. *Chairman.*] In your county, are there one or two towns which have separate police of their own?
Yes, there are two.

1690. Kelso and Hawick?
Galashiels is entirely in the county of Selkirk.

1691. Jedburgh is connected with the county?
Yes.

1692. Have you found that connection work satisfactorily?
Yes.

1693. And there is no disposition upon their part to revert to independence?
No.

1694. Do you find any practical inconvenience in working the police in reference to crimes committed by persons who reside in the boroughs with police of their own?
Very great.

1695. A considerable proportion of the criminal classes reside in the towns, do not they?
They do; from 1865 to 1866, 19 per cent. of those people who were apprehended resided in the boroughs.

1696. In the towns maintaining a separate force?
Yes, there were three boroughs at that time.

1697. Are you able to pursue an offender into a town?
Yes, you could pursue him, but with a very poor chance of getting him.

1698. In the case of Jedburgh, which is united to the county, do you constantly inspect the lodging-houses?
Yes, every night.

1699. What is done in other towns having separate police; your men do not of course inspect them?

We

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We go round the lodging-houses in the different boroughs occasionally. We annot go there every night; we have not men to do it.

1700. You are at liberty to inspect the lodging-houses within the boroughs?
I think it is doubtful, although we do it.

1701. You think it so desirable that that inspection should take place hat, though you are not certain of your authority, you still think it right to o so?
Yes, the men have instructions that if any opposition is made, they shall not nsist upon it.

1702. Borough magistrates would not object to it?
I do not suppose they know it.

1703. Do they insist upon an inspection by your own force of the lodging-houses?
No.

1704. Have you anything to do with the inspection of public-houses?
Yes, in the county, but not in the boroughs.

1705. Your police inspect the weights and measures of the county, do they not?
Yes, they do.

1706. And that has been a great advantage?
Very great, indeed.

1707. There is a regular return, is there not, of the cases of false weights and measures which have been discovered?
Yes, we keep a register of all the cases.

1708. And are they published in the county?
I think the last cases in Kelso were published by the request of the justices.

1709. And at Jedburgh and Melrose also?
In Melrose we have had no cases this year. Regarding the proportion of crime in the boroughs of Hawick, Galashiels, and Kelso, within the last three years it has grown from 19 per cent. to 30 per cent.

1710. But there is less crime in Hawick than there used to be?
There were 389 people apprehended during that year. I believe crime has decreased within the burgh; but the number of persons who reside in the burgh, and who have been convicted of committing crimes within the county, have largely increased.

1711. Lord *Penrhyn.*] That would not be accounted for by any increase of population in the borough?
No; 19 per cent. of the people are resident in one of the three boroughs; from 1866 to 1867 there were 603 people arrested, and 25 per cent. of these people resided in the boroughs.

1712. What proportion does that bear to the population of the borough, as compared with the population of the county?
I cannot tell you that. Then from 1867 to 1868 the number of those apprehended was reduced to 457, and yet the per-centage comes up to 30.

1713. *Chairman.*] There is a great indisposition in Hawick to unite with the county?
Yes, very great.

1714. The county would be the gainer, and Hawick would not be the gainer?
They would both gain.

1715. Why do they dislike amalgamating with the county?
I believe their idea is that they would lose all control over their police.

1716. Is not it the case that there is a clause in the Act of Parliament which enables them to retain their full powers?
Yes.

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1717. Do you remember what clause it is?

I cannot tell you, but there is such a clause.

1718. Do you think there is any means by which the boroughs would be inclined to unite with the county without resorting to measures of compulsion?

No, I do not think there is; the borough of Galashiels would have been much more inclined to join during the last six months than they were before; the fact is, they got frightened at the time of the Fenians; they found their police were not so efficient as they thought they were.

1719. Do you find inconvenience in the number of bodies to which you have to report, and do you find that the authority is divided a good deal under the Police Act?

Yes, you do not know whom you are to obey; the sheriff can give you an order, and the justices can give you an order, and the police committee can give you an order.

1720. The police committee cannot give you an order?

They never did, but I think they should be able to do so.

1721. Your chief constables are rather inclined to fall upon the police committee for protection, are they not?

Yes.

1722. They look to the police committee?

Certainly.

1723. But the police committee, under the Act, has no power of giving orders?

No, I do not think they have.

1724. Would it not be desirable that the power which is in the hands of the justices, under one of these clauses, should be conferred upon the police committee?

Most desirable.

1725. The police committee really know more about the police of the county than any other body within the county?

Yes; but then the sheriff can upset any resolution of the committee.

1726. That is to say, if the sheriff gives one order and the justices another, until the Secretary of State's decision is come to, so that sheriff's order must stand good?

That is so.

1727. But would it not be desirable to transfer the power of the justices to the police committee?

I think so.

1728. That would diminish the number of bodies to whom you would be responsible?

Yes, the police committee are the proper parties, because they are constantly in communication with the chief constable; he makes his quarterly report to them.

1729. There is a strong desire in Roxburgh to reduce the number of the police force?

There is.

1730. Does the mere fact of its being in debate act most injuriously upon the force?

Most injuriously.

1731. In what way?

It has made all the men very dissatisfied; the men say, "We do not know how long we may be safe, and therefore we had better look after ourselves."

1732. Does that feeling on the part of the police in Roxburghshire depend partly upon the Tweed question?

That is my private opinion.

1733. It would be in every sense desirable to have a more permanent arrangement made?

Yes;

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Yes; one thing is very certain; if the reduction takes place which is mentioned now, the Tweed must go unprotected as regards the county police; we could not protect the water bailiffs then. It is proposed to reduce the force to the same strength as it was when first appointed in 1857.

1734. Earl of *Camperdown.*] What is the amount of the police rate now?
Two-pence.

1735. Earl of *Innes.*] Do you think that if the proposed reduction were carried out, the peace of the county would be properly preserved?
Most decidedly not.

1736. Lord *Colonsay.*] I suppose the police committee, as a body, are rather more frequently and easily communicated with than the justices of the county?
Yes, and further; because several of the justices are provosts of burghs and magistrates of burghs, who have no right to interfere with the county police, so long as they have a force of their own.

1737. Is it easier to communicate with the police committee?
It is.

1738. *Chairman.*] Supposing the men were reduced, you would still be able to supply additional constables at the instance of the Tweed commissioners, would you not?
I should be able to supply them, but they would have to apply for a sufficient quantity.

1739. You think the force paid for by the Tweed commissioners is quite insufficient in itself, and must be supported by the county force?
Yes; and I consider Government should pay one-fourth.

1740. Earl of *Lauderdale.*] Many of the police committee in your county are not magistrates, but are only commissioners of supply?
I think they are all justices.

1741. *Chairman.*] Have you considered the superannuation question?
Yes, I have considered it a great deal.

1742. Do you think that it would tend to enable you to procure the services of a better class of men?
My own opinion is, that you will never get good men to stop until they have a superannuation to look forward to.

1743. Earl of *Camperdown.*] How long on an average do your men stay now?
I should think on an average they would not stay more than three years.

1744. *Chairman.*] But when a man has stayed five or six years, does he not then stay on a considerable time?
Yes, he may or he may not.

1745. Earl of *Camperdown.*] What employment do they leave you to go to; the pay of the police force is very good, is it not?
Yes; they go for gamekeepers, and a great many of them go from force to force; they get dissatisfied with us.

1746. *Chairman.*] Do you think they would submit to have a stoppage of 2½ per cent. out of their pay to help to make a fund without requiring their pay to be raised?
Certainly.

1747. You think they would not expect their pay to be raised if that 2½ per cent. were stopped?
No, I do not think so; they might in some counties, but not in Roxburghshire where the men are well paid.

1748. Earl of *Camperdown.*] What is your minimum pay for constables?
Seventeen shillings and sixpence, with a free house, boot money and clothing.

1749. *Chairman.*] When a crime is committed, is there a difficulty in getting communication speedily from one station to another, or from one county to another?
There should not be.

1750. Is it the case now?
It is so sometimes.

1751. You cannot get intelligence?
It is not that the intelligence does go, but that it is sometimes not acted upon.

1752. Has any case come under your observation in which that was so?
Yes, there was a case a very short time ago in which a pony was stolen from Eildon, close to Melrose. This was the report sent to me by the serjeant of police on the 2nd of May 1868, inquiring about a horse stolen at Eildon. "On the 30th of April last I went to Dalkeith to make inquiry regarding the pony stolen from Eldon, and also to find out what kind of horse Walter Douglas, hawker, Earlston, had when he was in Dalkeith on the 24th, with a cart-load of iron. I called at the police office and saw the inspector, and stated to him my business, and where I came from, and he appeared to know nothing about the pony being stolen, but asked what I wanted him to do. I said I would like to have the assistance of one of his men, as I wanted to make some inquiries in the town and neighbourhood; he replied, 'The chief constable is inside, you had better see him and tell him what you want.' I went in and saw the chief constable, and reported my business to him, and he questioned me as to what part of Roxburghshire the pony had been stolen from, and when, and I told him; and after asking some questions as to my reason for coming to Dalkeith to make inquiry, he said, I might get any assistance I wanted. I thanked him, and was told by the inspector to go out to the street and wait there till a man was ready to accompany me. I did so, and after waiting about half an hour a constable came to me, and said he had been sent to assist me. We then went to the shop of a china merchant, and on inquiry there I learned that Douglas, of Earlston, called there and sold a cartload of old iron on the 24th, and that he had a large black horse with him. We then went to three different toll-bars in the neighbourhood and made inquiry, with a view to trace the pony, but got no trace. I then returned to the police office, where I saw three constables, and on learning from them that they had got no information about the pony I gave them a description of it, and requested the Pathhead constable, who was present, to make inquiry, and search among the muggars, residing on his beat, with a view to trace the pony. After making the above inquiries and getting no trace, I returned to my station." There was another pony stolen in Berwickshire, evidently by the same persons, and route-sheets were sent out. It is considered a most important part of the police duty to see the informations are sent out as quickly as possible, and that every man should enter in his book when he gets the route, and what he does in the case. A route was sent across to Selkirk, amongst other places, and the inspector there immediately forwarded the route to different stations in the county. The consequence was that one of the constables, as soon as he got the route, set to work to make inquiry, and found that something resembling this pony had been seen at the "Golden Arms." He took up the inquiry in a brisk manner, followed the pony all the way to Carlisle, and recovered not only the pony stolen from Roxburghshire, but the pony stolen from Berwickshire.

1753. Earl of *Lauderdale.*] Was the man apprehended who stole them?
No, but he is known.

1754. *Chairman.*] How would you propose to remedy that?
The inspector general must do it.

1755. Would not the establishment of a Police Gazette do something?
It would do something, but it is not quick enough. In the Mauritius, where I was for many years, very numerous and serious crimes were committed, and the routes were the only chances we had of making discoveries.

1756. Have you anything more to add to your evidence?
As regards the desertion of members of the force, I consider that the Act is very incomplete. We have no power of arrest. You may serve a man with a complaint, but he may be half over the world before you can do that. We

have

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ave had more than one desertion in Roxburghshire since I have been there; here was one quite lately, within a few days. If I had had the power of arrest could have arrested the man at the time, but I had not the power.

1757. Lord *Penrhyn.*] What length of time is a man bound to serve?
He can leave at a month's notice; but my own opinion is, that really to get nen to work well they should be enlisted for three years; they should not have he option of leaving. For instance, you get a man and you train him, erhaps, for 12 months; and the pay being better in another county, he quietly ives you a month's notice, and another county gets the advantage of his raining, whereas if he were enlisted for three years he would be obliged to tay.

1758. Earl of *Camperdown.*] Do not you think that if they were enlisted for hree years, you would find more difficulty in getting recruits?
I do not think so.

1759. Duke of *Buccleuch.*] Have you any further remarks to make?
There is one remark I should like to make. Perhaps it rather concerns nyself, but in the Police Act the chief constable has no security that he may not be dismissed, or have his salary reduced, at any time, at the caprice of any one; whereas in the borough police you cannot dismiss, or reduce the salary of, the chief constable, without the sanction of the Lord Advocate or the sheriff of the county; and in the event of their differing in opinion, Her Majesty's Advocate for the time being. I do not know what may happen, but if the measure is carried reducing the county constables to 23 men, the chief constable may be reduced in some way or other as well.

1760. *Chairman.*] The constables are dismissed by the chief constable, without the consent of any other authority?
They are.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Friday next, at Twelve o'clock.

Die Veneris, 12° *Junii* 1868.

LORDS PRESENT:

Earl of DONCASTER.
Earl of LAUDERDALE.
Earl of AIRLIE.
Earl of MINTO.
Earl of CAMPERDOWN.

Lord ELPHINSTONE.
Lord OXENFOORD.
Lord LYVEDEN.
Lord PENRHYN.

THE EARL OF MINTO, IN THE CHAIR.

CHARLES S. PLUMMER, Esquire, is called in; and Examined, as follows:

C. S. Plummer, Esq.

12th June 1868.

1761. *Chairman.*] YOU are the proprietor of an estate in Selkirkshire, I think?
Yes.

1762. And you also hold property in Roxburghshire?
Yes.

1763. You are also a member of the Tweed Commission?
Yes.

1764. The Tweed commissioners are a body with considerable powers under Statute; they have power to appoint a separate police of their own for the protection of the Tweed fisheries, have they not?
Yes, they have.

1765. It has been the habit I think of recent years to appoint an additional force of constables to look after the Tweed subject to the superintendence of the chief constable?
Yes, of the chief constable of Roxburghshire.

1766. And also of Selkirkshire?
Yes, he is chief constable of Selkirkshire too.

1767. Mr. Boultbee is the chief constable of both counties?
Yes, of both counties.

1768. Have you found that that system has worked well in the suppression of poaching?
Yes, it has worked admirably.

1769. I suppose living as you do between the River Tweed and the Ettrick, you have great opportunities of observing the operations of the poachers?
Yes, some of the principal breeding ground is close to my house.

1770. You are more interested, I imagine, in suppressing the sort of vagabondage which accompanies poaching than in the actual preservation of the fish?
Yes, the preservation of the fish is of little importance to me; my object is in no way for sport; it is merely for the protection of the banks of the river from trespass.

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1771. It is an object with you to keep the unruly classes from trespassing?
Yes.

1772. The Tweed commissioners have power under Act of Parliament to raise an assessment upon the owners of fisheries; have they not?
Yes, they have.

1773. That is to say, in the event of a fishery being let, they may raise an assessment upon the owner?
They raise an assessment of 20 per cent. I think upon the value.

1774. Whether it is let or not?
Whether it is let or not. If it is not let, they estimate what it might be reasonably supposed to let at supposing it were let.

1775. Is the preservation of salmon looked upon in the same light as the preservation of game by the Statutes, or do the modern Acts of Parliament rather show a disposition on the part of the legislature to encourage the preservation of salmon?
The Tweed Fisheries Act views the preservation of salmon as a matter of public importance, I think. Perhaps you will allow me to refer to the preamble of the Tweed Fisheries Act.

1776. Will you be so good as to read that part of the Act; it is the Act of 1859, is it not?
No, the Act of 1857. "Whereas the salmon fisheries in the River Tweed of late years, have been much less productive, and have greatly decreased in value, and it is of public importance that more effectual means should be adopted for the preservation and increase of the breed of salmon, and for that purpose it is necessary and expedient that the said Acts should be consolidated and amended, and that further provisions should be made for the regulation of the said fisheries, for the removal of nuisances and obstructions, and the prevention of illegal fishing in the said river."

1777. That Act puts the preservation of salmon upon a very different footing from the preservation of game?
Yes.

1778. There is no such preamble in any Game Act as that which you have read, is there?
I am not aware that there is. I do not know whether the late Act giving the police power to search upon high roads persons suspected of having game in their possession, contains anything of that kind, but I fancy this is different from it.

1779. The way in which the appointment of the Tweed constables is now made under the present law is, that an application is made by the Tweed commissioners for the appointment of additional constables, and if the chief constable and the sheriff approve of it, then the appointment may be carried out?
Yes.

1780. Is it your opinion that the interests of the country are mixed up with the suppression or non-suppression of salmon poaching?
Yes, I think they are very much.

1781. At the present moment, I think the county has no direct voice in the matter as to whether additional constables shall be appointed or not?
No, it has none.

1782. Do you think that it would be desirable that there should be some direct voice in it on the part of the county?
I have always thought that the police committee ought to be consulted in the matter; they represent the ratepayers, perhaps, as well as any other body, and I think they might be consulted.

1783. You think the police committee, as representing the ratepayers, should be consulted?
Yes, as representing the ratepayers.

C. S. Plummer, Esq.

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1784. Subject to appeal to the commissioners of supply, or independently of the commissioners of supply?

I have not thought of that.

1785. The chief constable is entirely paid by the counties, I think, not by the Tweed commissioners?

He is paid entirely by the counties.

1786. His time is now taken up a good deal, is it not, in doing the work of the Tweed commissioners?

It is.

1787. He is not bound, I think, to report to the county, that is to the police committee, upon the subject of his operations under the Tweed commissioners?

I think not.

1788. Would it not be desirable that he should necessarily report to the county?

If the police committee were to sanction the arrangement, I think he ought to report to the police committee how the arrangement is going on.

1789. I think we had it from another witness, that in Selkirkshire the prosecutions under the Tweed Acts were all sent to the sheriff's fiscal?

Yes, I think for some years they have been all carred to the sheriff's fiscal.

1790. And there is no complaint upon that subject in Selkirkshire?

None at all, on the contrary they have been most admirably managed there, I think.

1791. In Roxburghshire they are no longer sent there, are they?

No, they are now taken before the justices of peace.

1792. Part of your property is in Roxburshire, and part is in Selkirkshire, I believe?

Yes, I am on the borders of the two counties.

1793. Have you ever considered whether a force employed, as it used to be, under one superintendent entirely for the river Tweed and its tributaries, would not be as efficient for the protection of the river, as a force for each separate county?

Yes, I am perfectly satisfied that it never could be. Ten years ago the Tweed commissioners attempted it every year, and made improvements, as they thought, every year. Sometimes they appointed temporary men from the district, and at other times they have sent them up from Berwick, but every year it was a complete failure.

1794. At present, I imagine the chief constable would not be able to employ his extra men out of the county; for instance, if Mr. List, who is the chief constable of Berwickshire, desired to employ his extra constables in Roxburghshire, or in Selkirkshire, that would not be permitted to him, would it?

I cannot answer that question. The Selkirk men might be employed in Roxburghshire, I should think, and the Roxburghshire men in Selkirkshire, they are all under one head.

1795. Earl of *Doncaster*.] And in the same way with Berwickshire and Roxburghshire, which are on the two sides of the river, one side is in Berwickshire, and the other is in Roxburgshire; the extra constables could act either on the one side or on the other, could they not?

I should think so; most likely.

1796. *Chairman*.] Do you know whether there is generally a pretty good sale for salmon in close time, as well as in season?

Yes; I believe $1\frac{1}{2}$ *d.* and 2 *d.* a pound is always to be got for foul fish at any time.

1797. People are not shy on account of the immorality of the transaction of buying the bad fish?

Not at all.

1798. It is scarcely looked upon as a serious offence is it, in the country, to take a salmon out of season?

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No, I think not; I think the lawless feeling has been checked a good deal of late years, but it was a very common thing; in fact, we could not keep our own men at work, and many labourers in the towns would not take employment in the winter; they lived on the river; they were either employed as water bailiffs by the Tweed commissioners, or they acted upon their own account.

1799. If they were not employed as water bailiffs they poached?
Yes; if they were not employed, they went on the river for themselves.

1800. It is extremely easy to take fish out of the river at those seasons when the water is low, is not it?
Very easy indeed, in the shallows.

1801. I suppose that a good many people, though they would not actually take fish out of the river out of season, would not give information against those who do?
Certainly; that is the case.

1802. Does not it rather tend to make the police force rather injuriously unpopular, to have to take notice of those offences?
I think not; there was a good deal of partiality under the old bailiffs; there is none now, I think; the men are all drilled men, and they take up men of all classes with equal impartiality.

1803. In the event of the force in those counties being diminished, you would imagine, I suppose, that there would be a good deal more trespassing?
Yes, undoubtedly.

1804. And you think that people are entitled to protection against the unruly classes when they come down the river, and cut the wood and so forth?
Yes, I think so.

1805. Have you any remark to make, or any information to give, which you think would be useful to the Committee?
I think not.

1806. Earl of *Doncaster*.] In Selkirkshire, Selkirk is the only town where either justice of peace courts, or the sheriff's court are ever held, is it not?
They are held only in Selkirk.

1807. But in the county of Roxburgh the justice of peace courts are held in other towns, such as Hawick and Kelso, and Melrose?
Yes, and Jedburgh.

1808. The Tweed fishing cases (what are called fishing cases) are taken up before those separate courts, according to the place where the complaints are made?
Yes, they have been so of late.

1809. Are you of opinion that the trying those cases, and the persons being convicted in the district where the offence was committed, has a deterrent effect in those districts?
I think it has.

1810. When they were all taken to the head county town the trial of the cases, and the evidence led was hardly known at all in the district; it was only heard, that a man was taken up and fined, but there was nothing more known about it?
Yes.

1811. Lord *Oxenfoord*.] Do you consider it for the advantage of the county generally that the river force and the police force should be under one head?
Yes, I think so.

The Witness is directed to withdraw.

MR. HENRY COWAN GRAY, is called in; and Examined, as follows:

Mr. *H. C. Gray.*

12th June 1868.

1812. *Chairman.*] I BELIEVE you are the Senior Magistrate of the Burgh of Ayr?
I am.

1813. You are agent of the Commercial Bank there, are you not?
I am.

1814. You have been a police commissioner of the town for some time?
Yes, for the last 12 or 13 years.

1815. And also dean of guild?
Yes, for five years.

1816. And you have also been sheriff clerk depute of the county?
Yes.

1817. Therefore you have had great opportunities of seeing the working of the Police Act, and of the effect of maintaining a separate force in the county and the burgh?
I have.

1818. A Police Act was adopted in Ayr a good many years ago, I believe?
Yes, a good many years ago.

1819. Under that Act I think the magistrates were made police commissioners, were they not?
Yes, that is under what is described as "An Act to make more effectual provision for regulating the police of towns and populous places in Scotland," passed in 1850; it is the 13 & 14 Vict. c. 33.

1820. That enabled you to maintain a police fund, not only for the payment of policemen, but for all other police and general purposes, such as cleansing and lighting the town?
Yes, everything; we just adopted this general Police Act applicable to populous places.

1821. The policemen who are appointed under that Act, have a greater variety of duties, have they not, than those who are appointed simply under the Act of 1857?
They attend to everything falling under the cognizance of police commissioners; we are now placed under Government inspection by Colonel Kinloch, and he reports us efficient, which enables us to get the fourth from the Government allowance.

1822. I think in Colonel Kinloch's Report, there are one or two cases in which he says that police constables are employed for lighting lamps, and such things; is that the case with you?
Not with us, they are confined just to do the duties of police officers, and not employed in menial occupations at all.

1823. The expense is not paid altogether by assessment, I believe, but out of what is called the common good?
Out of the common good; it is under the Act of Parliament; I can give you the section.

1824. The town is divided into three districts, is it not?
Not exactly; we have what they call beats, that is, so far as the supervision of the police is concerned, but we have no districts at all, the whole police boundary has been limited by the sheriff in terms of the Act, and we take the complete control of it.

1825. Have you a police force by day and also by night?
We have.

1826-7. I think the real old town of Ayr has about 8,000 inhabitants?
Eight thousand; Colonel Kinloch mentions that according to the last census, it is 8,210; it is 8,000 or thereabouts.

Mr. *H. C. Gray*.

12th June 1868.

1828. Almost adjoining Ayr, there is a very populous place, is there not?
Yes; Newton and Wallacetown.

1829. Newton and Wallacetown are on the opposite side of the river, are they not?
Yes; they are just separated from Ayr by the river Ayr.

1830. The police system of Newton and Wallacetown is altogether separate and distinct from that of Ayr, is it not?
It is altogether separate.

1831. Is the magisterial authority also separate and distinct?
Yes, we have no authority in Newton and Wallacetown; we are confined within a radius on our own side of the river.

1832. Do you find that that acts injuriously for the public interests?
I think it acts very injuriously. When places like Newton and Wallacetown are separated from such a town as Ayr just by a river, and are in fact one place, they ought, in my opinion, to be placed under one police jurisdiction.

1833. And one magisterial jurisdiction?
Yes, and under one magisterial jurisdiction; I see there is provision made for that in the Act, if we were to adopt it.

1834. Then it is possible, under the present statutes, for Newton and Wallacetown to become united with the burgh, both for police and magisterial purposes?
Yes, it is perfectly possible if the parties would agree.

1835. Do the people of Newton and Wallacetown not see that it would be to their advantage to unite with the town of Ayr?
I have no doubt the people of Newton and Wallacetown would be very willing to be united with us, but there is an indisposition on the part of the town of Ayr to unite with them, because Newton and Wallacetown are the poorest and lowest parts of the place, and we have a fund of our own in Ayr, and there is a fear lest were we united with them, they might participate in some way in that fund which is called the common good which belongs peculiarly to the town of Ayr.

1836. At the present moment they are assessed to the county for police purposes, are they not?
Yes, Newton and Wallacetown are assessed to the county now.

1837. The proprietors are assessed?
The assessment is laid on "Lands and Heritages" in terms of the Act of 1857.

1838. The proprietors are assessed, are they not, under the County Police Act?
Yes; but by the Police and Improvement Act of 1850, the assessment is laid on "occupiers of premises."

1839. Newton and Wallacetown have no separate police of their own?
No, they form part of the county for police purposes. They wanted to adopt the same Act, which I have here, under which we have certain powers, and after applying to the sheriff they held a meeting, where there was a majority of votes against it, so they were outvoted. Previously to that they had no police; it was a great annoyance to the town of Ayr that there was no police force there, but in consequence of their being beaten in the attempt to obtain a majority to adopt that Act they applied to the county, who have appointed one serjeant and four constables to the whole place.

1840. They have an absolute right to have county police, if they are part of the county, have they not?
I believe they have, but at the same time the point was disputed by the police committee, who obtained the opinion of counsel, and that opinion was to the effect, as I understand, that the town of Ayr in adopting the Act should have admitted Newton and Wallacetown, and that in not having done so we had acted illegally.

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12th June 1868.

1841. If Newton and Wallacetown were connected with the burgh of Ayr, ow would the assessment be raised for police purposes in Newton and Wallaceown ?
It would be from tenants of premises; but in that case Ayr, I presume, would e assessed also ; and there is some objection on the ground, that possibly Ayr night be obliged to bear more than its proportion of the assessment, from our reater ability to pay.

1842. Ayr is not assessed at all now, as I understand ?
No, Ayr is not assessed now ; we pay for the police out of the common good.

1843. Has the common good been made up by any assessment ?
No; we have property belonging to the burgh, and there is a surplus after aying our interest, which we apply towards improvements and the uphold of he police force.

1844. When an assessment is raised under the Police Act in a burgh, it is evied upon the owners of property, is it not ?
Upon the occupiers of property.

1845. Is it not upon the owners of property ?
I should say not, but I will refer to the Act.

1846. What Act are you referring to ?
I am looking at our own Act, 13 & 14 Vict. c. 33.

1847. Will you look at clause 27 in the County Police Act ?
It says that the assessment is to be upon all lands and heritages.

1848. It is not upon the occupiers at all ?
It is not upon the occupiers at all.

1849. That is for counties ?
Yes.

1850. In burghs I think it is upon tenants and proprietors ?
I think it is upon all tenants. The 63rd section of the Act says, "that once in each year the commissioners (being summoned in manner hereinbefore directed by written or printed summonses, which shall state that the meeting is for the purpose of laying an assessment), shall assess all occupiers of premises within the burgh, in the sums necessary to be levied for the purposes of this Act."

1851. So that if a populous place were connected with a burgh by the Police Act, the assessment would be raised in a different way from that in which it would otherwise be raised ?
Not at all. What I mean is, that if Newton and Wallacetown were united with Ayr under this Act applicable to populous places, the assessment would be levied in virtue of this Act, not in virtue of the County Police Act.

1852. And the arrangement under that old Act is the arrangement which is objected to ?
What is objected to is that we might perhaps be called upon to pay more than our due proportion. I do not think there is anything in it myself. I am merely stating what I know to be the objection that is felt.

1853. Lord *Oxenfoord.*] The fear is that the common good would not be sufficient, and that the town of Ayr would be assessed ?
The common good is hardly sufficient now.

1854. Earl of *Camperdown.*] Your police force, I suppose, is as great as it need be, were it not for the proximity of Newton and Wallacetown ?
I think it is. The 65th section states that "when the provisions of this Act shall have been adopted in any burgh possessed of any free income arising from the common good of such burgh, after deduction of the interest of any debt which such burgh may owe, and also the necessary outgoings of such burgh, there shall be annually contributed therefrom such a reasonable proportion towards the purposes of this Act," and so forth, showing that we have power to use the surplus of the common good for the maintenance of the police, but we are limited as to the sum we may take out of it. The clause goes on to say, "Provided always, That if any six or more inhabitants, liable in assessment under

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under this Act, shall think proper, such inhabitants may require, by notice in writing, that the amount of such contribution shall be submitted to the decision of the sheriff, who is hereby required thereupon to repair to such burgh, and to inquire into all facts and circumstances which he may deem material, and to take in writing the statements of parties, and such evidence as he shall think necessary, and such sheriff shall decide as to the amount of such contribution to be paid from the common good of such burgh, and such decision shall be recorded in the books of the burgh, and also in the books of the commissioners." I know that we are taking more than we have a right to take, but there has never been any objection made, so that this proviso has not been acted upon.

1855. Lord *Penrhyn.*] Any excess above that which came from the fund would be raised by assessment, would it not?

Yes.

1856. Supposing a union of the two suburbs, Newton and Wallacetown, with Ayr, were to take place, it would be levied by a uniform assessment upon the whole place?

I believe it would; but I do not know that there is anything in the Act to prevent the town of Ayr paying their proportion out of the common good. Our expenditure has been great of late; we have divided the town into certain drainage districts, and each drainage district bears its own expense. Of course that has relieved our funds very considerably.

1857. Those two suburbs would be relieved from their contribution to the police of the county, I apprehend, if they were united with the town of Ayr?

Of course they would.

1858. Is there any valuation existing at this moment between the county and the burgh of Ayr in regard to the proportion to be contributed for the maintenance of roads or anything of that sort?

No, nothing of the kind.

1859. It has not been included in any county arrangement for an assessment for roads?

No; we just get what is called conversion money, to keep up some roads.

1860. From the county?

Yes; the County Road Trust keep up others.

1861. Is that by a county arrangement, or has there been any local Act passed for that purpose?

It is not under local Act; the County Road Act makes provision for that.

1862. It is a mutual arrangement between the burgh and the county?

Yes; it is a matter which has existed for a very long period.

1863. You have not come under any mutual or common assessment for purposes of roads in Ayrshire?

Not at all; the roads in Ayrshire are not kept up by assessment; we have tolls: it is by the revenue from the toll-bars that the expense is defrayed.

1864. And there is no common assessment of any sort between the town and the county?

None whatever. The town of Ayr has to contribute so much to what is called the prison and lunatic assessment, &c., and we levy this by an assessment.

1865. *Chairman.*] The magistrates of Ayr are *ex officio* justices of the peace, are they not?

They are.

1866. Do you find that the magisterial duties are different outside your limits from what they are inside?

One great objection to Newton and Wallacetown being separate districts is, that if I or any of my colleagues issue a warrant to apprehend or cite a party in those districts, that warrant cannot be executed until it has been first endorsed by the sheriff; under the county Act the sheriff's warrant can be executed in any part of Scotland without its being endorsed by another sheriff,

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sheriff, if the constable be a constable of the county where the sheriff issues the warrant.

1867. In looking after public-houses, is there any difference between Newton and Wallacetown and the burgh of Ayr?

The Forbes Mackenzie Act is just as applicable to Newton and Wallacetown as to Ayr; but I believe that it is more rigidly enforced in Newton and Wallacetown by the chief constable of the county than it is by us in the burgh of Ayr.

1868. I suppose in the burgh, the force being small, and remaining there year after year, it becomes subject to local influences?

Yes, I think so. I think it a great disadvantage to have a police force remaining there, and which is not from time to time moved to other places.

1869. Do you think it would be a better arrangement that Newton and Wallacetown should be connected with Ayr, or that Ayr should be connected with the whole county?

So far as the public interest is concerned, I think that connecting Newton and Wallacetown with Ayr under this Act under one police magistracy, and having the police force amalgamated with the county, would answer all purposes.

1870. But would you think it necessary that the police force should be amalgamated with that of the county?

It would not be absolutely necessary; it would be a matter of arrangement under the Act; we have that power at present.

1871. Earl of *Camperdown.*] The public feeling in Ayr would never allow it to be done, would it?

The general feeling in Ayr is against being amalgamated with the county for police purposes, lest the authority of the police magistrates might be interfered with; but I have been looking at the Act more particularly this morning, and I think there is a clause there that protects us quite sufficiently.

1872. *Chairman.*] That is the 74th clause, is not it?

It is the 74th clause.

1873. Earl of *Doncaster.*] Under that clause the powers of the police magistrates within their own jurisdiction remain intact, as before?

I conceive that they would remain just as intact, supposing the burgh were amalgamated with the county, as they are at the present moment.

1874. *Chairman.*] The magisterial power would remain the same?

I think so; that is my own private opinion.

1875. Their power over the police would not remain the same; you would not be able to order the police in the same way that you do now?

I consider that under the County Police Act the magistrates of the burgh would be placed in a better position than they are now under the Act applicable to populous places. Section 85 states "that the Commissioners shall from time to time appoint, at a fixed annual salary, a superintendent of police, who shall not be removable, or subject to have his salary diminished by the Commissioners, unless with the approbation of the chief magistrate of the burgh;" and then it goes on to say that "the said superintendent of police is hereby authorised and empowered to appoint proper persons for the above duty, and to direct their distribution within the burgh." Now, in the County Police Act, section 6 states that the chief constable shall, subject to the approval of the police committee, appoint the other constables, and so forth. So that, in point of fact, in the burgh our superintendent has the entire appointment and dismissal of constables, whereas in the county the chief constable must have the approval of the police committee in what he does; but the superintendent, again, cannot be removed except with the concurrence of the provost and sheriff; or, in the event of their differing in opinion, they must have the concurrence of the Lord Advocate for the time being to his removal, whereas under the County Police Act the police committee can dismiss the chief constable, section 4.

1876. Without any reference?

Yes; so that we have actually more control over the police under that Act.

1877. Would not the simpler way be to unite Newton and Wallacetown with Ayr for municipal and magisterial purposes, and then amalgamate the force of the whole town with that of the county?

That is what I am very strongly in favour of, and always have been in favour of, but there are certain parties who hold a different opinion; for my own part, I think it would be most advisable.

1878. Can you see any means, short of taking compulsory measures, by which that object can be attained?

I see that by the Act, as it stands at present, it can only be attained by an arrangement. The police committee of the county and the police commissioners of Ayr can come to an arrangement under the present Act. I know of no other measure that could be taken short of compulsion, and it is very questionable how far it might be desirable to make it compulsory. I think it is a very great defect with regard to the General Act applicable to populous places, such as Newton and Wallacetown, and Ayr, that it is made permissive and not obligatory.

1879. You think it ought to be made obligatory?

I think so, where there is such a large population as we have.

1880. Very likely the parties who oppose it would be very glad eventually if it were effected compulsorily by Act of Parliament?

They would fall in with it as a matter of course.

1881. Earl of *Lauderdale.*] Would not it be an extra expense to the burgh of Ayr, if they had to maintain a police force for those outlying towns?

I do not know that it would: we have now to keep up a force of 10, consisting of one superintendent, two serjeants, and seven men, for the town of Ayr, with 8,000 inhabitants; whereas in Newton and Wallacetown, which have a population exceeding Ayr by 1,000, they have only five. Now if we were amalgamated, we should have to pay for fewer men altogether, than we now have to pay for; so that I question very much whether that would not be a saving to us; and then when there are fairs, or gatherings of any kind, we require to employ extra hands: were we amalgamated with the county, they have always a number of eight or 10 men who are in training, to be sent out to the districts, and those men would be available at any time. By that means we should get all the assistance we required from the county without any extra expense.

1882. *Chairman.*] There is another town in your neighbourhood situated in the same sort of way, is not there, namely, Ardrossan?

Not in our neighbourhood.

1883. In the county?

Yes, it is rather peculiarly situated; it is under neither of the Acts we have been speaking of; they have an Act of their own.

1884. The town of Ardrossan has an Act of its own?

It has an Act of its own.

1885. Is there another Act applicable to it?

There is a Harbour Act also in connection with the burgh, but that was obtained by Lord Eglinton, who is the superior, or, I should rather say, the proprietor of it.

1886. There is a suburb close to it, is not there?

Yes, Saltcoats; it is separated by a very short distance from Ardrossan; it is populous too.

1887. I suppose you would hold it to be very desirable that Ardrossan and Saltcoats should be united with the county also?

I should think that the fact of Ardrossan having an Act of its own, and there being only one police constable in that part of the county, where there is an important seaport, must operate very prejudicially to the working of the county police, because they have no control over the force there at all.

1888. You do not know, I suppose, whether there has been any movement to endeavour to amalgamate the forces there?

I do not suppose there has.

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1889. Lord *Penrhyn.*] In the event of your being amalgamated with the county, would this Common Good, this fund out of which you pay the police now in the burgh, be applicable to the payment of the whole amalgamated force?

No, I do not think they could touch it.

1890. What would become of that fund then?

We have property to keep up, and we could effect certain improvements with it.

1891. At all events, instead of paying the police, or a part of the police expenses out of that fund, the whole of the expense of the police would come upon the assessment?

Yes, I think so; and I think it would be advantageous, because we want a little extra means just now. I see no mode of raising those funds we want except by assessment, so that if the support of the police force were taken away from that fund we should have more power of doing what we want to do. I will hand in a Paper to give you some idea of our position last year (*handing in a Paper*).

1892. Would not it throw an additional expense upon the county, because they would have to contribute towards the 10 policemen in Ayr who are now paid for out of the Common Good?

They would contribute nothing. The expense which is necessary to support the police force for Ayr, Newton, and Wallacetown, must be borne by that district.

1893. Not by the county?

If Ayr, Newton, and Wallacetown were incorporated into one district, as we talk of, we should either have our own police force, or else the county would assess us with the sum that was necessary to keep up the constabulary.

1894. For your own district?

Yes.

1895. Earl of *Camperdown.*] Do you not think that Ayr, Newton, and Wallacetown would be a sufficient place to keep up a force of its own?

Yes, I would not object to that; but, failing that, I think it would be desirable to amalgamate with the county for police purposes.

1896. There is always a strong local feeling, in any town of any size, against amalgamating with the county, is not there?

Very much so.

1897. *Chairman.*] So that you think that amalgamating Newtown and Wallacetown with Ayr would be an improvement on the present state of things?

It would be a very great improvement.

1898. But that a still greater improvement would be to amalgamate the whole body with the county for police purposes?

I think so; and one reason is, because any place having only 10 constables can hold out no inducement to its men in the way of promotion; there are only two serjeants who get 1 *s.* or 2 *s.* more. In such a force there can be no inducement offered to the men, in that way, to devote themselves to our service; whereas, if we were amalgamated with the county, there would be a prospect of promotion in some way or other. They have various classes in the county force which we have not.

1899. Do you appoint the burgh police superintendent as fiscal to the burgh magistrates?

No, he does not act in that character; we have a separate fiscal.

1900. I suppose you have very little to do with the sheriff's fiscal in Ayr?

Not as police magistrates; there is a fiscal who takes charge of the cases in Ayr, Newton, and Wallacetown, which are tried before the justices or the sheriff, as the case may be.

1901. As a county magistrate you must have a good deal to do with the prosecutions by the sheriff's fiscal?

A good deal.

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1902. The chief constable and all the constables are precluded by Act of Parliament and by the regulations from accepting any other office but that of constable, are they not?
Yes.

1903. Lord *Oxenfoord.*] Any other paid office?
Yes, they are; the county of Ayr is so extensive, that it is deemed advisable to confine the chief constable to his own peculiar duties.

1904. *Chairman.*] It is a universal rule laid down by Act of Parliament, is it not, as regards constables, that they must not accept any other employment?
They have no other employment.

1905. The office of procurator fiscal is an office of great importance in Scotland, is it not?
Very great.

1906. The sheriff's substitutes are not allowed, I think, to hold any other appointment?
While they get their salary from the country they are precluded from acting in any other capacity.

1907. They cannot act as agents to private parties?
No.

1908. Earl of *Doncaster.*] They may act as agents in the superior courts, may they not?
The sheriff principal may, not the sheriff substitutes.

1909. *Chairman.*] In regard to the procurator fiscal there is no such rule in force, is there?
None whatever; he may take any amount of practice.

1910. The sheriff's fiscal is paid very highly in general, is he not?
The county of Ayr was divided several years ago, and we have now two sheriffs, one at Kilmarnock and the other at Ayr, and two fiscals. The fiscal at Ayr has a salary o f750 *l.*, I think. In consequence of an arrangement with the Exchequer, they give that sum for all reported cases, and there are other cases, which they call summary trials, which are not reported to the Exchequer. For some time there was a dispute about the matter, but latterly it was arranged, and under that arrangement the fiscal gets a certain sum for those cases, but that did not include other cases which were not reported, such as deaths and things of that nature. The fiscal put in a claim to be paid for them, and he gets a certain allowance for those cases now.

1911. Earl of *Doncaster.*] Who pays that allowance; is it paid by the county or by the Crown?
The Crown pay for the reported cases, and they pay now for those summary trials; the county have granted 25 *l.* to the fiscal at Ayr to cover all extras. In addition to that, our fiscal at Ayr is the fiscal for the justices, and cases that might be tried before the sheriff are now brought before the justices' court, and there is a pretty large account in connection with those cases. Altogether his emoluments might amount, I should calculate, to between 800 *l.* or 900 *l.*; that is more than the sheriff receives.

1912. Including what may be paid by the county?
Including what may be paid by the county, and what he receives from the Exchequer.

1913. Do you know what the sheriff's substitute's salary is?
My impression is that the one at Ayr gets 800 *l.*, and the one at Kilmarnock 700 *l.*

1914. Then the procurator fiscal is a higher paid officer than the sheriff's substitute?
Yes: and in addition to that, he has his own practice; he acts as agent and factor for private parties.

1915. He acts as agent for the proprietors in the neighbourhood?
Yes, he acts now, I think, as agent for the Glasgow and South Western Railway Company.

1916. *Chairman.*] They may hold any office; they are bankers sometimes, I think?

There is nothing to prevent a procurator fiscal holding any office.

1917. Earl of *Lauderdale.*] He may take private business?

Yes, he may.

1918. Earl of *Doncaster.*] Practically, in almost all cases, the procurators fiscal in the counties in Scotland do engage very extensively in private practice, do they not?

Yes, there is no question of it. I have often heard the propriety of it discussed, and the question debated, whether with their large emoluments they should not be confined to their particular duties.

1919. *Chairman.*] For instance, you say the procurator fiscal does act as agent to the railway company; there might be some accident upon the railway, and then he would be required to act as procurator fiscal against the company for whom he is engaged as agent?

He might be called upon to do so, but of course he would only act as agent in pecuniary matters, not with reference to any law suits like that.

1920. Does not the same argument apply to the procurators fiscal which applies to the sheriffs and the chief constables, that they ought not be too much connected with local influences?

There is a pretty general opinion to that effect.

1921. Do you know what salary the chief constable has in Ayrshire?

It is 400 *l.*, I think, and 50 *l.* for a horse. I have here Colonel Kinloch's Report which is just published, in which it is mentioned, I see.

1922. Earl of *Lauderdale.*] The procurator fiscal, you say, gets from 800 *l.* to 900 *l.*?

I should fancy that the fiscal at Ayr has an income of that amount.

1923. Besides his private practice as a country attorney?

Yes, besides whatever private practice he may have.

1924. And the chief constable is tied down to his salary?

The chief constable is tied down to his salary; he has his 400 *l.* a year, and he can do nothing else.

1925. *Chairman.*] Perhaps you do not know whether there are any constables appointed in Ayrshire under the 7th clause of the Act for the preservation of fish or game?

I know that there are. We have a good many prosecutions in the year for those offences.

1926. Is there any objection made to that arrangement?

At first there was a considerable outcry about the police being employed in connection with the preservation of fish and game, on account of its taking them from their immediate duties?

1927. Has that cry subsided?

I hear very little about it now.

1928. Earl of *Doncaster.*] But those police were appointed under the 7th section of the Act expressly for those duties, I think?

I cannot speak particularly upon that point: but I know that in point of fact, the police do assist in apprehending parties who are supposed to be in pursuit of game, or out fishing.

1929. Earl of *Camperdown.*] On the road?

Yes, on the road.

1930. Earl of *Lauderdale.*] I suppose they have a good deal to do in Exchequer cases with respect to selling game without a license?

I rather think they have; I recollect, just now, a case that came before me as a justice. A police officer had been watching the parties in a field, for, I think, 12 or 16 hours; he could not apprehend them there, but he went to get assistance, and then he apprehended them upon the road, having instruments

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ments about them; guns were taken from them, and they were tried under that Act; the guns were forfeited, and a fine was imposed. Of course, when that constable was engaged in watching there, he could not attend to the duties of his district elsewhere.

1931. *Chairman.*] Have you any further information you would wish to give the Committee?

I am not aware that I have.

1932. There is one point which I think it is rather desirable that the Committee should have some information about; that is as to the manner of paying the county back certain payments in respect of the employment of the constables as sheriffs' officers. I do not know whether you are aware that there is a sum paid back to the county in respect of certain services rendered by the police?

At Ayr, on the application of the fiscal, he has got an officer who attends particularly to all criminal prosecutions and investigations, and the Exchequer pay what they would have paid a regular sheriff's officer for doing the duties which this constable, or another in his place, employed to do that work, may perform in connection with these Exchequer cases, and the money comes back after a certain time to the county, and is applied to the payment of the police force.

1933. Would not it be more convenient that, instead of those fees, some regular sum should be paid to the county, if it is just that the county should receive it, rather than that the constable should make out a note of the particular time he is employed to do a certain thing, and that the Exchequer should pay for it in detail?

I think, as the police in Scotland are now regularly employed to do that duty, it would be far better that a certain sum should be paid in respect of it. The present system is a roundabout way of doing it; to have all the accounts kept as they are, and then to have them taxed and reported upon, is a very circuitous process; it would be much better to give a certain sum for it at once.

1934. Earl of *Lauderdale.*] Have you any improvement to suggest to the Committee?

There is one very great want, I think, in the Act, and that is the want of a superannuation fund for the police. I think that after men have devoted their whole services for a lengthened period to the county force, and are obliged to quit it through disability or otherwise, there ought to be a fund to pay them a certain sum by way of a retiring allowance. I see that a chief constable may have an allowance, but there is nothing in the Act with reference to the common police.

1935. Earl of *Camperdown.*] How would you raise that fund; would you raise it from the men?

I can only say that, so far as the county of Ayr is concerned, I think just about the time of this new Act being adopted, it was considered advisable to send away some of the old police, and they were just paid off; the county paid them so much a year. There were three or four of the county police paid off in that way.

1936. Lord *Penrhyn.*] That was a private arrangement?

Yes, the men were considered deserving men, but not so efficient as to be taken into the new force, and the police committee gave them a certain sum per year.

1937. Earl of *Lauderdale.*] A superannuation would be an extra expense to the burgh, would it not?

To the burgh it would, as it would come out of the Common Good.

1938. But it would be an extra expense?

If the force were to contribute a small sum I think it would be a very desirable thing to require that the county should do something also by contributing towards the fund.

1939. You think that they would not object to that?

Generally speaking, when you talk of raising money by assessment, you find an objection to it.

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1940. As a general rule, what do you think?
It would be a very reasonable thing, at all events, that there should be something of that kind.

1941. *Chairman.*] Do you recommend the establishment of a superannuation for the burgh police as well as the county police?
So long as the burgh remains separate and distinct, as it is at present, it would be almost impossible to have it; I talk of a fund for the counties, or for the police of Scotland generally.

1942. Earl of *Doncaster.*] You think that there should be a superannuation fund for the police in Scotland?
I think so.

The Witness is directed to withdraw.

Mr. GEORGE MACKAY, is called in; and Examined, as follows:

Mr. *G. Mackay.*

1943. *Chairman.*] You are the Chief Constable of Lanarkshire?
Yes.

1944. That is one of the most populous counties in Scotland, I think?
Yes, I think so.

1945. What force have you under your command?
I have 167 men of all ranks; one chief constable, five superintendents, and eight inspectors.

1946. Is the county divided into districts for police purposes?
It is divided into three districts, the upper, the middle, and the lower wards.

1947. The assessment for each of those districts is kept distinct, I think?
It is kept distinct.

1948. And the forces are distinct, are they not?
Yes.

1949. But of course you are able to remove them from one place to the other?
Yes.

1950. Besides your force there are certain burghs in the county which have separate police forces, are there not?
Yes.

1951. What burghs are they?
Hamilton, Airdrie, Maryhill, Partick, Glasgow, and Govan.

1952. Lord *Oxenfoord.*] Partick is part of Glasgow, is not it?
No; it is west of Glasgow; it is beyond the Parliamentary boundary.

1953. *Chairman.*] Do you find any inconvenience in the existence of separate forces?
I do; I think it acts very prejudicially to the public service to have so many divided jurisdictions.

1954. Are the magistrates jealous of any interference on the part of the county police in the burghs which have a separate police?
I cannot say much of that, but I know that the forces do not work harmoniously together, because there is no one to control them.

1955. I believe that the visitation of lodging-houses is an important part of the duty of the police, is not it?
It is in some parts.

1956. Is that carried on in the towns in Lanarkshire which are amalgamated with the county?
Yes, and some of the police are inspectors of lodging-houses.

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1957. In the burghs where the forces are not amalgamated, I suppose the county force does not act in that way?
It does not.

1958. But the burgh force may do so?
They may.

1959. They do so, I suppose, practically?
I presume they do.

1960. Have you any complaint to make of the forces of the separate burghs of Maryhill?
I cannot say that I have any complaint particularly.

1961. There is a power in the hands of the people of those separate burghs to unite with the county if they please?
Yes.

1962. But they have no disposition to do so?
No. There are several burghs in the county of Lanark that have done so; Lanark, Rutherglen, and Wishaw.

1963. Has there been any move on the part of the burghs which have united with the county to regain their independence?
None; quite the reverse; they seem all to be quite satisfied with the working of the arrangement. They find the benefit of it, because we are able to bring a force to bear upon any particular occasion when there may be any disposition to riot, or any large fairs, so that they get an advantage from it.

1964. Pecuniarily speaking, I suppose they would be rather gainers than losers by an amalgamation?
I think so.

1965. Do your county constables take notice of offences against the Public-houses Acts?
They do.

1966. They do not in the burgh, I suppose?
They do not, I am sorry to say, to the extent that it ought to be done.

1967. You think the burgh forces are less vigilant in that matter?
I do; I derive that information from the inhabitants.

1968. I suppose the burgh forces are in some respects subject to local influences?
No doubt they are.

1969. They are not changed from time to time?
No.

1970. Have you any constables appointed under section 7 of the Act of 1857, empowering the appointment of additional constables?
We have four connected with the railway.

1971. Is that under clause 7 of that Act?
Yes, under clause 7.

1972. Because there is a separate Act, I think, with regard to the appointment of constables upon public works?
No; it is under the 7th clause.

1973. At present the appointment of constables under clause 7 is entirely in the hands of the chief constable, is it not?
Yes, it is entirely in the hands of the chief constable.

1974. Subject to the approval of the sheriff, or the justices?
Subject to the approval of the sheriff.

1975. Or the justices in quarter sessions, is it not?
Yes, I think it is.

1976. Would it not be desirable that the county itself should have some voice in the matter; that the police committee should be referred to?

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The police committee do not suffer from it; I do not see that they should; it is to their advantage; it is strengthening the hands of the county.

1977. In that case they would be always inclined to agree to it, would they not?
Yes, I think so.

1978. Do you appoint any constables for the protection of game under clause 7?
No, none.

1979. Have you ever been applied to to do so?
No, never.

1980. Have you ever appointed additional constables under clause 7 for the protection of rivers?
I did some years ago, for the protection of the trout fishing in the Clyde, in the upper part of the county.

1981. Lord *Oxenfoord.*] You do not protect it now?
No, not now; we attended to it for some time, and entirely put a stop to it, so that the proprietors did not wish for them any longer, and we have not been troubled since.

1982. *Chairman.*] You are a good deal brought into contact with the procurator fiscal, of course, in the discharge of your duties?
Yes; we have one in Lanark, one in Hamilton, one in Airdrie, and one in Glasgow.

1983. Have you a sheriff's substitute in each of those places?
There is a sheriff's substitute in each of those places.

1984. You were talking just now of the sheriffs' fiscals?
Yes.

1985. The sheriffs' fiscals are well paid officers, are they not?
I think they are.

1986. Can you tell me the salaries that any of the sheriffs' fiscals receive?
Not exactly; I think they average from 500 *l.* up to 900 *l.* In Glasgow there is a joint appointment; they have the whole of Glasgow as to reported cases and the lower ward of the county, and I think they have some 1,800 *l.*

1987. That is divided between the two?
Divided between the two.

1988. Have they any other employment besides that of procurator fiscal?
No, not in Glasgow.

1989. Earl of *Lauderdale.*] They have no public employment?
No.

1990. I suppose they have private practice?
No, they do not even have any private practice; but in Lanark the procurator fiscal has private practice; he is the only one that has private practice; the procurator fiscal in Hamilton has not, nor has the one in Airdrie.

1991. They are not prohibited from entering into private practice, are they?
No, I do not think so.

1992. *Chairman.*] They do not practice as agents to private parties?
No, except that probably the Lanark one does; he is a banker, and does a good deal of business.

1993. Is it held to be objectionable that they should have private practice?
I think it should be so held.

1994. You think they ought not to have it?
I think they ought not.

1995. Upon the same sort of ground that the chief constable is not allowed to have any private practice?
Yes, quite so.

1996. And

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1996. And that the sheriff's substitute is not allowed to have any?
Yes.

1997. Earl of *Lauderdale.*] You think that the salaries are high enough to get efficient men without private practice?
I think they are; I think there is a very fair average salary; I think they are as high as the sheriff's substitutes get in Scotland in many places.

1998. *Chairman.*] And higher than the salaries of the chief constables?
Yes, much higher.

1999. Can you state what your own salary is as chief constable?
£. 450.

2000. Is that including the allowance for a horse?
Including the keep of a horse; there is an allowance made for travelling expenses, which averages from 30 *l.* to 40 *l.* besides that.

2001. Lord *Oxenfoord.*] Have you any of your constables attached to the fiscal's office?
Yes.

2002. They are specially attached?
Yes.

2003. To attend to the fiscal?
Yes.

2004. And always present; is there one to each fiscal?
Yes.

2005. *Chairman.*] Do you find that a good arrangement?
Yes, I do.

2006. Do the fiscals ever give orders to your constables independently of the superintendent or yourself?
Not at the first commencement of a case; all reports come through myself or the district superintendent; but when the fiscal is working up a case and taking a precognition, he may order such a constable to send so-and-so to him, which, I think, is an advantage, because he knows the getting up of his case better even than the chief constable or any of the police; I do not think there is anything wrong in that.

2007. You do not think that it may interfere with the discipline of the force?
I do not think so.

2008. Lord *Oxenfoord.*] It may save a great deal of time in some cases, may it not?
No doubt.

2009. Earl of *Airlie.*] Why do you think that the procurator fiscal should be debarred from private practice?
Because I think that while he is attending to his private practice there may be some neglect of his public duties.

2010. You think it would take up too much of his time?
I think it would, and propably in some instances it might interfere with the getting up of a case; there might be parties connected with him concerned in the case; I do not say that that is the case, but it is open to that, I think.

2011. Have you any reason to believe, practically, that it occupies too much of his time?
I am not prepared to say that, but I think it is likely to do so.

2012. Supposing the procurators fiscal were debarred from private practice, would it be necessary to give them higher salaries in order to attract the same class of men?
Perhaps so; but from many accounts I have heard of the allowances made to fiscals, I am of opinion that they are very fairly paid, and that it would be easy to get a gentleman to undertake the duties for the allowances which are made at present.

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2013. Earl of *Lauderdale.*] Snme of them, I think you said, get twice the y that you get?
Yes.

2014. Lord *Oxenfoord.*] And many of them get as much as the sheriff?
Yes.

2015. Earl of *Doncaster.*] With regard to the detection of crime, do you onsider it the duty of the police or of the procurator fiscal to detect crime?
I think the police are the parties.

2016. To detect crime?
To detect crime, most decidedly; they are there for the express purpose of , I think.

2017. And after a crime is detected, and the case is reported to the procuator fiscal, it is his duty to follow it up and prosecute?
Decidedly.

2018. It is not the duty of the police to prosecute; it is the duty of the rocurator fiscal to prosecute?
Quite so.

2019. You look upon it as being the duty of the police to detect and prevent rime, and of the procurator fiscal to take proceedings after a crime has been ommitted and detected?
Quite so.

2020. And the officer attached to the procurator fiscal's office, I understand you to regard as a criminal officer?
Yes, and we charge fees for that officer for the work done by him.

2021. Then that is recovered from the Exchequer?
Yes.

2022. Do you find that the fiscals interfere with the police in the detection of crime?
No, I do not experience that myself; quite the reverse; I find very great assistance from the fiscals.

2023. You and the fiscals work harmoniously together?
Yes, quite harmoniously.

2024. Earl of *Camperdown.*] But if you did not work harmoniously together, there might be very great inconvenience, might there not?
I should think that would be very likely to be the effect.

2025. *Chairman.*] In fact there is a sort of joint authority, is not there?
Yes, there is no doubt about that.

2026. Would it not be better to define the authority of each party a little better?
Yes, it certainly would.

2027. Lord *Oxenfoord.*] Suppose you were in pursuit of a criminal and trying to detect a case of theft or something of that kind, and supposing the fiscal was also upon his own responsibility to go after the same criminal, might you not clash, and the criminal get notice in the meantime of what was being done in consequence of your being upon different tacks?
There is nothing to prevent that happening.

2028. It is very likely to happen, is not it?
It is likely to happen, or it may happen at any rate.

2029. Earl of *Airlie.*] The procurator fiscal being the public prosecutor, his is a very important office, is not it?
A very important office.

2030. And therefore it is desirable to get men of the highest possible standing in the profession for it?
There can be no doubt of that.

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2031. But if you tied them down to the salary which they received, and did not allow them to follow up private practice, the effect might be rather to withdraw men of high standing from the office, might it not?
Yes, it might.

2032. *Chairman.*] Have you any orders regarding the course you are to pursue in a case of death under suspicious circumstances?
Yes.

2033. Are they orders issued from the Secretary of State's Office?
Yes.

2034. Are they orders to the procurator fiscal or to the chief constable?
They are orders to the procurator fiscal; a *post-mortem* examination is to be made at once.

2035. Is the procurator fiscal to conduct the examination?
Yes.

2036. That is all done in secret, is it not?
Yes, in private.

2037. Do you find that that works well, I mean particularly the conducting it in private?
My experience is that probably publicity does assist sometimes, but I think in the majority of cases our practice is superior to the English practice of coroners' inquests, that is my own feeling; I think there is a good deal of openness given to the case by every person knowing what is being done towards getting up evidence; I think it assisted very recently in a case not very far distant from where we are.

2038. Earl of *Airlie.*] You prefer the Scotch system to the English system?
I do; I must say that at one time I was in favour of the coroners' inquests, but I have changed my opinion entirely; I do think the Scotch system superior.

2039. Does it ever happen that, in Scotland, cases of sudden death are not investigated which would have been investigated under the English system?
I think not.

2040. Earl of *Lauderdale.*] All sudden deaths are looked after?
Sudden deaths are always inquired into immediately; a *post-mortem* examination is made.

2041. In your county?
I think in all counties; I understand so, but in our county I know that it is the case.

2042. You do not mean any suspicious sudden death, but any sudden death?
Yes; there was an express order to that effect some years ago.

2043. You think that that is general in Scotland?
Yes, it must be.

2044. Earl of *Airlie.*] Do you think that, without interfering with the present system in Scotland, more publicity might be given to the proceedings?
I do not know; I am not prepared to say that; I do not think it would assist.

2045. *Chairman.*] Does not having the inquiry conducted entirely in secret open the door to undue influence?
I do not see why it should; the fiscal is the only man who can have any interest in it, and I have never found that to be the case.

2046. The public does not know at all at the time what evidence is led, and in fact the public never does know; it does not know even whether an inquiry has been made?
No, it does not; but it is a very extraordinary thing that even with this secrecy in criminal cases we see what each witness can say in the newspapers the next day, as nearly as possible.

2047. How can that be, if the inquiry is in secret?
I do not know exactly.

2048. Lord *Oxenfoord.*] It comes out?
Yes; the reporters fish out the facts just as fast as the fiscal.

2049. Earl of *Airlie.*] Would it not be better if it were to come out regularly and officially, rather than in that sort of surreptitious way?
There are some cases in which the fiscal knows that privacy is important to be observed, in consequence of certain witnesses who are wanting; then he sends round to the press to stop these statements until such time as they can get hold of them; whereas, if publicity was given, the party would be out of the way.

2050. Earl of *Lauderdale.*] You mean that secrecy is very often required for the detection of crime?
Yes.

2051. *Chairman.*] Is not it the case that in England there is secrecy for the detection of the crime as long as the case is in the hands of the police, but that there is publicity when it comes before the magistrate?
Yes; but I understood that it came before the magistrate at once, on the party being apprehended.

2052. In cases of committal it is so?
Yes.

2053. Supposing a case in which no apprehension has been made, and in which the police are employed in hunting out evidence as far as they can, that is all secret in the hands of the police until it is reported to a magistrate, and then publicity comes?
Yes, quite so.

2054. But in Scotland publicity does not come even at that stage?
No; but it very frequently occurs that when that is done witnesses go out of the way intentionally. I have known them sent out of the country, to America and other places, just from its coming out that they were important witnesses, and were required to prove the case.

2055. With regard to the payments repaid to the county out of the Exchequer, is not there an awkwardness in that arrangement?
I think so. I think it would save a very great deal of trouble and time if they were to strike an average of two or three years and make an allowance to the county.

2056. As it stands now, each constable, when he is employed in that particular kind of service, has to keep an account of what he does, and that account is checked by you and sent to the county?
Yes, and a general account is sent to the Exchequer at the end of the year.

2057. It sometimes may occur that irregularities may either take place or be suspected to take place?
Yes, sometimes; but of course we endeavour to check it very strictly.

2058. Earl of *Doncaster.*] There is frequently a great delay in getting the accounts passed at the Exchequer, is there not?
Very frequently; sometimes there is a delay of two or three years.

2059. *Chairman.*] Then it would relieve the constable, and the chief constables, of some duties if a certain allowance was made instead of those fees?
Yes, and it would relieve the staff of the Exchequer as well. I think it would be a great assistance.

2060. Therefore you are of opinion that the fees ought to be abolished for those services, and that a commutation ought to be taken in lieu of them?
Yes, I think so.

2061. Lord *Oxenfoord.*] What do you think about a police gazette; would it be a useful thing?
Yes, no doubt of it; very useful indeed.

2062. Earl of *Doncaster.*] Have you paid attention to the question, whether it

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it would be advisable to establish a superannuation fund for the police in Scotland generally?

Yes, I think it would assist very much in getting better men, and we should be able to keep them after we did get them. With a superannuation, after a man has a few years' service, he begins to think that there is something to look to, whereas now he does not care; if he commits any little thing, and is checked for it, he goes away.

2063. Earl of *Camperdown.*] How long, on the average, do you think your men stay with you now?

I cannot say.

2064. Cannot you state it roughly?

I do not think any of the force should be superannuated with less than 20 years' service.

2065. I mean at the present time how long do they stay?

I think, probably, on the average, seven years, or from that to 10 years.

2066. Earl of *Airlie.*] Have you given any consideration to the question of how a superannuation fund should be raised; whether by deductions from the men's pay, or by what other means?

I have; but that is, perhaps, a matter more for your Lordships' consideration. My own opinion is, that were a heavy per-centage retained off the men's present wages, it would have a bad effect.

2067. Earl of *Lauderdale.*] It might be a small per-centage, might it not?

It might be a small per-centage, and then perhaps the fines imposed by the Justices would be added.

2068. Are there any fines at present?

Yes; we have a number of fines paid into the Exchequer.

2069. There would be no objection to those fines, and a small per-centage stopped from the men's pay, going to the superannuation fund, would there?

I think, perhaps, a small per-centage might be stopped.

2070. Do you think that the men would object to a small per-centage being stopped from their pay if they could look forward to superannuation?

I think they would not object much to a small per-centage, but if it was made heavy they would.

2071. Earl of *Airlie.*] If it is not raised by a deduction from the men's pay, the only means of raising it would be an increase of the police rate, I suppose?

There is no doubt of that.

2072. You think the ratepayers would not object to that?

I do not think they would.

2073. *Chairman.*] Do you think that the men would object to 2½ per cent. being taken out of their pay, as is the case in England?

I know it is the case in England, but men are more highly paid in England.

2074. Do you think that if a stoppage of that kind were made out of the pay of a constable, he would expect his wages to be raised?

I think he would.

2075. Earl of *Camperdown.*] Then the burden would fall upon the county in either case, whether you made a stoppage or whether you did not; supposing that if you made a stoppage of 2½ per cent., and the constable would expect his wages to be raised to that amount, and if you paid it directly, would it not be received by the constable more as a present, and would it not be more acceptable to him, because in the one case he would look upon it as a stoppage from his wages, and in the other case as a direct gratuity?

I think it would be much better if it could be imposed on the county; a certain amount of it at any rate. Retaining this per-centage from the men would create a great deal of trouble; it would require books and statements to be made out that would create a great deal of trouble.

2076. In either case the county would pay it either directly or indirectly?

Yes, I think so.

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2077. Earl of *Lauderdale.*] Do you mean, as a general rule, that the police in England are more highly paid than those in Scotland, besides having a superannuation?
I certainly think they are more highly paid.

2078. Earl of *Airlie.*] There is a certain amount, is not there—I think it is a fourth—paid by the Treasury towards the police expenses?
Yes.

2079. Then if you were to raise the pay of the men, and make a deduction from their wages, you would get a certain amount of it out of the Treasury contribution, would you not?
Yes; a certain amount of it would come out of the Treasury, no doubt of it.

2080. Would not there be an advantage in getting a certain amount out of the Treasury?
Yes, I think so.

2081. Earl of *Lauderdale.*] How long would you have a policeman serve before you would give him a superannuation?
I would say 20 years.

2082. *Chairman.*] Then after that time, would you think that he ought to be allowed to retire if he pleased, whether he was incapacitated or not?
No, I would not say that. I think it ought to be optional with the police committee.

2083. Earl of *Lauderdale.*] You would give him something more if you kept him over the 20 years?
Yes, decidedly.

2084. You would increase his allowance, would you not?
Yes.

2085. But you would not let him go if he was fit to serve?
No, he might be an able-bodied man, whose going would be a loss to the county.

2086. Earl of *Airlie.*] Your object in raising this superannuation fund, I suppose, is to get more efficient men, is not it?
Yes, entirely so.

2087. Would you not attain the same object of raising the pay after a certain number of years' service?
I do not know. The idea that a man has something to look to when he gets old is worth a good deal.

2088. Lord *Oxenfoord.*] Or when he gets injured?
Yes.

2089. *Chairman.*] Would not that make it difficult to dismiss a man; at present the dismissal of constables is entirely at the discretion of the chief constable, is it not?
Entirely.

2090. In the event of their being entitled to pensions, would you still retain that great power?
No, certainly not; in that case every case should be submitted to the police committee, I think.

2091. Every case for dismissal?
No, every case for superannuation.

2092. But my question was as to whether, in the event of a superannuation fund being established, you would still retain the power to the chief constable to dismiss a man without reference to any other authority?
I would have no objection to the police committee and the chief constable doing it together; I think that would meet it.

2093. Earl of *Camperdown.*] But if a stoppage was made from the constable's wages, would he not feel aggrieved if he was dismissed, and would not that make the police force unpopular?

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I do not think so. There are many cases in which we are obliged to dismiss men for serious offences, and it is no matter whether they are entitled to superannuation or not.

2094. Our men outside might be less willing on that ground to enlist?
I do not think so.

2095. They might consider that it might be possible that for some years they might subscribe to this superannuation fund, and then at last lose the money by being dismissed?
No doubt it might be so.

2096. Lord *Oxenfoord.*] On the other hand, would it not induce a man to behave well, knowing that he would get a certain amount if he continued in the service?
Yes, after seven or eight years a man would think, I must be doubly careful; I have something before me. There is no doubt of that.

2097. Earl of *Lauderdale.*] Have you not a scale now for length of service; do not the men who have served 10 or 15 years get more for that?
No, our whole force is divided into three classes. The first, what we call the merit class, get 1 *l.* 1 *s.* per week.

2098. Are those the newly entered ones?
No, those are the men who have served longest, or who are the best men. A man who has served a very few years may have it if he is a good man. We always take the best man, the man who attends to his duties most, and promote him.

2099. Irrespective of any service?
Irrespective of any service.

2100. Earl of *Doncaster.*] Seventeen shillings and sixpence is the lowest pay, and then a man is promoted to the merit class from that?
Yes.

2101. Earl of *Lauderdale.*] It is not exactly for length of service; he is advanced according to qualification?
Yes, no doubt.

2102. Lord *Oxenfoord.*] Where were you before you were chief constable of Lanarkshire?
I joined the Glasgow police in 1834, and I was chief constable of Renfrewshire for five years. I afterwards joined the Glasgow police again, and I was superintendent of the Central Police Division in Glasgow, till I was appointed chief constable of Lanarkshire in 1857.

2103. Then you have been always employed either in Glasgow or in Lanarkshire?
Yes, or in Renfrewshire, for 34 years.

2104. Is these much night poaching in your county?
There are not so many cases now; we used to have a good many cases, but we have succeeded in putting them down pretty well.

2105. The police have done that?
Yes, the police assist the keepers; I consider that it is our duty to do so.

2106. I think you said that you were never applied to, to appoint extra constables for that duty?
No.

2107. But you took it as a matter of course, that it was the duty of the police to detect poachers on account of the Exchequer, to begin with?
Yes, and on account of the injury done to property.

2108. Lord *Lyveden.*] Has that excited any dissatisfaction among the ratepayers?
No.

2109. They have acquiesced in it?
There is no dissatisfaction.

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2110. What sort of assistance do you give to the keepers; the police go out with them at night?

Our men are out all ready upon the same ground, and if fellows come out with guns, of course the police do what it is their duty to do in assisting the keepers.

2111. They act completely in combination with them, do they?

Yes.

2112. With regard to the superannuation fund, what do you think the best mode of levying it; by contribution from the men, or payment from the county?

My own opinion is, that it would be much better to take it from the funds.

2113. Do you mean the county funds?

The county funds, or otherwise.

2114. You would not do it by an increase of wages, and a subscription by the men?

I think not; I think it would cause a very great deal of unnecessary trouble.

The Witness is directed to withdraw.

Mr. ALEXANDER MITCHELL, is called in; and Examined, as follows.

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2115. *Chairman.*] You are Chief Constable of the county of Caithness, I think?

I am.

2116. And you have been a member of the Metropolitan Police Force?

I have.

2117. I believe you were also at the head, at one time, of the force which was employed at the instance of the Tweed commissioners?

I was, for eight years.

2118. Had you command over the whole of the force from Berwick extending over the whole of the tributaries of the Tweed?

The whole river.

2119. You might move the constables, of course, along any part of it?

Yes.

2120. Earl of *Doncaster.*] They were the water bailiffs?

Yes, the water bailiffs.

2121. *Chairman.*] You could only employ the force, I suppose, at least they were chiefly employed during the close season?

There was a portion employed during the open season for protecting the mouth of the river and the smolts, and for the weekly close time.

2122. But you had a much larger body of men employed in the winter than in the summer, I suppose?

Much larger.

2123. Was not there an inconvenience in having to dismiss the men during the season, and to appoint them again during the close season; they would not be so well up to the duties of constables as if they had been constantly employed?

It suited a great many men, such as masons, and dikers, and labourers who were thrown out of work at that season of the year: they were in the habit of being water bailiffs. It answered very well for the commissioners, and it suited the men too, for when the good weather came on, and they were not wanted for the Tweed, they resumed their usual occupations.

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2124. Do you think that if a considerable sum of money were allotted by the Tweed commissioners for the maintenance of a force for the whole of the Tweed and its tributaries, that would be a better system than having a force for each particular county?

I believe it could be much better and much more economically done in that way than at present.

2125. That is a matter for the Tweed commissioners to consider?

Yes, entirely.

2126. Have you considered the question of a superannuation at all for the members of the police?

I have.

2127. I suppose you are favourable to a superannnation being given if funds can be found for that purpose?

I think that it is essential to the maintenance of discipline in the force, and to induce good men to enter and remain in it.

2128. Do you think that public money would be well spent in establishing a fund of that kind?

I believe the money would be well spent, whether it was public money or money partly contributed by the constables themselves.

2129. In the event of a stoppage being made in the pay of the men, with a view to make up a portion of the fund, do you think that they would expect an increase of pay in consequence?

I do not.

2130. Do you think they would submit to a deduction of 2½ per cent. for the purpose, if they became entitled to a fair superannuation after a certain number of years' service?

About 18 months ago our police committee directed a memorial to be sent to the Secretary of State, urging him to establish a superannuation fund, to which they would be willing to contribute, and they issued a recommendation to the men, through me, that they should contribute something towards the formation of a fund to meet any eventualities. The men very willingly contributed 1 *s.* a week, which stands now to their credit, and will continue to do so.

2131. Earl of *Lauderdale.*] One shilling a week out of how much?

Out of, upon the average, 1 *l.* a week.

2132. *Chairman.*] That is 5 per cent.?

That is 5 per cent.

2133. Do the constables contribute that without any security that they will enjoy a pension?

It is now their own property. It was merely done to meet the contingency of a superannuation fund being established. If they leave the force it will be handed back to them, but it will be devoted to a superannuation fund if such a fund is established.

2134. It does not give you any hold upon the men having that condition?

The memorandum bears that it is to remain their own absolute property at present.

2135. In the event of a man retiring, he would be entitled to get his money back, would he not?

They do get it back; they have got it back upon resigning.

2136. Will you refer to section 28 of the Police Act; under that section "the salaries and allowances of the chief constable and other constables, and all expenses incurred in providing them with such clothing, accoutrements, and necessaries as may be allowed by the rules to be established under this Act, and all other expenses incurred in putting this Act in execution," are to be defrayed out of the police rates?

Yes.

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2137. And under some other section (the 27th, I think, which precedes that) it is provided that certain expenses are to be paid out of the rogue money ?

Not out of the rogue money; but the Act establishing the police has one section that allows the assessment to be expended only in watching. This section does not provide anything for the maintenance and conveyance of prisoners before they are taken before a magistrate, and for supplying them with food. That is charged to the rogue money, or should be charged to the rogue money, and it creates confusion in the accounts. I believe it is passed in our county as police expenditure, though not properly so.

2138. Then it would be more convenient that the whole of those expenses should be brought under the same head, or at least paid for out of the same fund ?

Yes; all expenses incurred in the maintenance and apprehension of prisoners before committal, which the Exchequer does not pay.

2139. Certain expenses are paid out of the rogue money, and certain othe expenses are paid out of the police fund ?

Yes.

2140. And it would be better that they should be all paid out of the same fund ?

Yes, out of the police fund; they are properly police expenditure.

2141. Earl of *Lauderdale.*] Do you mean expenses incurred by prosecuting on the part of the Exchequer ?

No; I mean the keep of prisoners, in the cells, for a day or two before they are committed.

2142. Their maintenance ?

Yes, in the police cells.

2143. Earl of *Doncaster.*] Their maintenance in the lock-up before they are committed ?

Yes.

2144. *Chairman.*] The 27th clause is the section under which those expenses are put upon the rogue money, and not the police fund ?

Yes, that is so.

2145. On clauses 27 and 47 of the Act of 1857, I think you have some remarks to make ?

Yes.

2146. With regard to the powers of the auditors ?

Yes; in clause 27 certain allowances are to be made to the chief constable for extraordinary expenses; that is a constant source of irritation about what are extraordinary expenses. Some counties hold that the chief constable can incur no extraordinary expenses within his county, and others allow those expenses. If a scale were to be fixed and approved of by the inspector, Colonel Kinloch, or some other competent authority, it would meet the case without any heart burnings.

2147. Earl of *Lauderdale.*] Who approves of the chief constable's expenses now, before they are paid; of course they are approved by somebody ?

There is a dubiety about it at present; the clause says "And all such allowances shall be examined and audited, and if not disallowed, paid by the commissioners of supply;" it does not say by whom they shall be examined.

2148. It is the police committee who examine them, is not it ?

In some instances.

2149. *Chairman.*] That is connected with the 47th section ?

Yes; according to the 47th section, "If such accounts be found correct, the auditors shall sign the same in token of their allowance thereof, but if such auditors think there is just cause to disapprove of any part of such accounts, they shall make such abatements from, or alterations of such accounts, as to them shall seem just." Now our auditor is uncertain whether or not he should audit the allowances.

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2150. Then there may be a doubt, if you are sent out of the county, or if you go out of the county on police business, as to whether your expenses will be repaid?
There is no doubt in a case of going out of the county.

2151. When you go out of the county you are entitled to your expenses?
Yes; it is within the county that the doubt arises.

2152. There is a doubt as to whether your expenses would be allowed in certain cases for duty performed within the county?
Yes.

2153. Earl of *Lauderdale.*] Can you give us an instance of a case in which it is disputed whether you are entitled to extraordinary allowance for it or not?
In one case that occurs to me at the present moment, I was detained three days in investigating a case, remaining at an inn with my horse and gig. It was held by the clerk that it was not a case for extraordinary expenses, although the amount was repaid to the county by the Exchequer.

2154. Earl of *Doncaster.*] The county gained, but the chief constable did not?
Yes, exactly; the county gained what I was out of pocket.

2155. *Chairman.*] You think that some regulation might be made upon that subject by the Secretary of State or the inspector?
Yes; either by the Secretary of State or by Colonel Kinloch.

2156. Earl of *Camperdown.*] Has Colonel Kinloch power to make such a regulation?
He has no power at present.

2157. *Chairman.*] The commissioners of supply of each county could make rules on the subject, could they not?
They could make rules. If there was a uniform system adopted in Scotland it would meet the case, but there is a different system adopted upon that matter in almost every county now. Some counties allow the chief constable so much for every day when he is from home, others allow nothing at all, and some allow a fixed sum to meet travelling expenses.

2158. Have you examined the Secretary of State's instructions with regard to the form in which returns are made out; do you think that they are capable of improvement in any respect; there is a return made out and headed Form A?
It is entirely the same as the form adopted in England.

2159. Is it applicable to Scotland in all respects?
I think it might be very much improved.

2160. You would suggest that there might be another column or two added?
Several columns more would be useful.

2161. This does not give the number of cases at all; there is no return where nobody is apprehended?
No.

2162. Earl of *Lauderdale.*] You think it ought to give "the number of cases investigated"?
There is another form supplied.

2163. *Chairman.*] The regular constabulary returns are quite independent of these, are they not?
Entirely

2164. Those constabulary returns are made up on different plans in different counties, are they not?
There is a form supplied by the printers in Edinburgh to the chief constables to be sent to the Secretary of State quarterly; those are uniform.

2165. Are they uniform when they are sent to the Secretary of State?
They are uniform when they are sent to the Secretary of State.

2166. I observe in this return sent from the county of Ayr that there are two more columns than in the returns sent from other counties; in this return there is

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is a column for persons who had absconded and where proceedings were dropped; that does not appear in the others?
It does not.

2167. Where a summary of this kind is sent to the Secretary of State, is it sent upon the same plan as that of the other counties?
The forms supplied are altogether similar. There is only one heading "no proceedings," under which are classed all cases where the parties forfeited bail or absconded, or where the evidence was defective. There is no other heading under which to class cases which are not brought to trial.

2168. Then you would suggest, as regards this Form A of the Secretary of State's instructions, that there should be another column for proceedings dropped?
Yes, that form is really of very little service.

2169. You mean this form in the instructions?
Yes.

2170. Is there any other criticism you have to make on the general instructions of the Secretary of State?
Nothing occurs to me in the recent instructions which have been issued which requires observation.

2171. With regard to this one, saying that "immediately after the termination of each quarter the chief constable shall transmit a copy of his report to the Secretary of State," but the chief constable need not transmit with such report a statement appended thereto, have you anything to say upon that?
There is nothing in that that I have to remark upon.

2172. Do you think it would be an improvement if, instead of the fees for services by constables acting as sheriffs' officers, for which purpose they are required to make up statements of the time they are employed in those duties, a general payment were made to the county?
It would save a very great deal of trouble.

2173. It has beent he case, has it not, that there have been some irregularitise, or some suspicion of irregularities, in consequence of the payment of those fees from one hand to another?
I am not aware of any such.

2174. But still you think it would be better that the fees should be abolished, and that a regular sum should be paid in return for the services of the police?
I think so; an average might be struck of a few years.

2175. Earl of *Camperdown.*] I suppose the average sum is very much the same, taking one year with another; there is not much difference between one year and another?
There is a very considerable difference.

2176. Then, would an average of three years be sufficient?
An average of three years would not be sufficient.

2177. You had better take 10?
Five years would be sufficient.

2178. *Chairman.*] Have you ever had any doubt in your county as to what is or what is not a lawful order on the part of the sheriff?
I have had a very great deal of difficulty in that respect.

2179. Will you give an instance of it?
In the case of a door opening out of the chief constable's room in the court-house, when the police committee ordered the door to be used for the police committee or the chief constable, or any other person, the sheriff assumed the power to order that door to be locked, and he held that I had disobeyed his lawful orders in taking the instructions of the police committee, and obeying them with regard to using the police office in preference to his instructions as sheriff.

2180. Was that the sheriff principal or the sheriff's substitute?
The sheriff principal.

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2181. Earl of *Lauderdale.*] Did you say that it opened into the police office?
Yes.

2182. The sheriff ordered the door to be locked?
Yes; he ordered the door communicating with the courthouse to be kept locked.

2183. What had the sheriff to do with the police office, which is furnished by the commissioners of supply?
He assumed the power.

2184. Earl of *Camperdown.*] It is a question whether you are to take your orders from him or the justices, is it not?
It is from him and the justices that we receive our orders.

2185. Whose orders do you obey first; who has the real ordering power if there should be a difference; take this very case; we will assume that all the police committee were justices of the peace; they order you to do one thing, namely, to leave the door open; the sheriff orders you to do another, to lock the door; whose orders are you bound to take?
That was my difficulty. If the police committee had issued the order as justices of the peace, and the sheriff had countermanded it, I would have had a reference to the Secretary of State; but in this case they acted as a police committee, from which the Act does not contemplate an appeal.

2186. Then you were clearly bound to obey the sheriff in that case, because the sheriff has the power to give the order?
There was a doubt about it.

2187. Earl of *Doncaster.*] The question was whether it was a lawful order of the sheriff; whether the sheriff had the power to give that particular order?
Yes, just so.

2188. *Chairman.*] Would it not tend to the harmonious working of the system if the police committee had a little more power given to them in regard to such matters as these?
Yes, I think it is very necessary; for instance, in regard to Pulteney Town the police committee issued an order that I was not to employ constables in Pulteney Town, as it did not contribute to the county assessment, or pay in any other way. The sheriff insisted that I should employ them in Pulteney Town. As there was no appeal from the police committee's order I had to obey the sheriff's order, and the police constables did and have continued to do the duty in Pulteney Town, executing all the warrants, and, in unreported cases, the county has received no remuneration whatever from the district in which their services were required, or from the Exchequer.

2189. The sheriff principal, and in his absence the sheriff substitute, is an *ex-officio* member of the police committee, I believe?
The sheriff substitute in our case is nominated as a member of the police committee.

2190. In the absence of the sheriff?
Yes.

2191. Earl of *Camperdown.*] Has the sheriff the power to order where constables shall be employed?
In cases of riot I assume he has.

2192. Would it not be better to vest that power in the commissioners of supply, who lay the assessment, rather than in the police committee?
The commissioners of supply are a large body, and they seldom meet; they meet twice a year, and then their attention is directed to more general matters than the details that the police committee deal with.

2193. *Chairman.*] The police committee in general have no power of ordering, I think, have they?
Our sheriffs hold that the police committee are merely a finance committee.

2194. The only thing which gives them a hold over the chief constable is the power of dismissing him, I think?

They

They can dismiss the chief constable for obeying the sheriff's orders in preference to theirs; that is for doing what he is bound to do.

2195. That is the only power they have, is it not?
They have the general approval of all appointments or dismissals.

2196. Earl of *Camperdown.*] But they have no existence in the eye of the law, have they?
No, I do not think they have.

2197. Earl of *Lauderdale.*] In all your communications with the magistrates it is the chief active member of the police committee that you consult with, is it not, if you are going to take any measure relative to police duty?
In all police matters that arise, when there is not a meeting, I consult the chairman of the police committee.

2198. That is to say, the person who takes the active part in the committee?
Yes.

2199. *Chairman.*] You look for support and advice, in fact, to the police committee, or to the chairman of the police committee, when they are not meeting?
I do.

2200. Will you explain to the Committee the condition of things at Wick with regard to police matters; in the first place what is the population of Wick?
The population of the Royal Burgh of Wick is 1,500 and odd inhabitants. Pulteney Town has a population of 4,200, and Lewisburgh has a population of about 1,000; those are within the Parliamentary borough.

2201. Earl of *Camperdown.*] Within what Parliamentary borough?
The borough of Wick. The town council failed to organise a police within six months after the passing of the Act, consequently the commissioners of supply appointed a police for the district of Wick and Lewisburgh. The Pulteney town commissioners, under the powers or the supposed powers of their own Act, also appointed constables for Pulteney Town. The thing continued in that way till 1863, when the burgh adopted the Lindsay Act, and they intimated it to the Secretary of State, who approved of their doing so, although the population is under 7,000, which the Lindsay Act contemplates as the smallest that can adopt that part of the Act enabling them to appoint constables. The county then withdrew their policemen from acting there.

2202. *Chairman.*] From acting in what town; in Wick?
In Wick.

2203. Earl of *Camperdown.*] And Lewisburgh?
Lewisburgh being without the royal burgh they continued to act there. There were then four jurisdictions. Pulteney Town continued their police still. The British Fishery Society, as the proprietors of Pulteney Harbour, contested the power of the police committee to assess them, but upon an intimation of the sheriff that he considered that as part of the county, and that he should hold them responsible for it, the case was brought before the court of session, when it was decided in favour of the county that the assessment was valid, and that the harbour which comes out between the royal burgh and Pulteney Town, is part of the county, and subject to assessment by the police committee. Last year, after the sheriff had held that the chief constable was liable to send, and must send men into Pulteney Town and Wick to keep the peace, the commissioners of supply resolved to assess these two towns, and they placed the county police rate upon them. Both towns retained their police still, and the county police has also to patrol both towns, so that we have a double force in the two towns acting not very harmoniously together.

2204. There is a force for the county, a force for the Burgh of Wick, and a force for Pulteney Town?
Yes.

2205. And there is a doubt whether the commissioners of supply are entitled to raise an assessment in Pulteney Town?
Yes, some of the feuars of Pulteney Town threaten to bring an action in the court of session against them, and so does Wick, as it is the feuars or landlords who are assessed under the County Act, while under their own Act the tenants are made to pay.

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2206. Earl of *Camperdown.*] Have they paid the rates?
Many of them have not. I think a distress warrant would have been issued before it it had not been expected that some action would be taken upon the present inquiry.

2207. *Chairman.*] The commissioners of supply assume the right to raise police assessments in Pulteney Town and the burgh of Wick?
Yes.

2208. And the people of Wick and Pulteney Town resist that?
Yes, the feuars resist it; the people or tenants are indifferent.

2209. And the trial is suspended for the moment in consequence of their thinking that something may come out of this inquiry?
Just so.

2210. Can they not agree amicably to some arrangement with regard to their police under the present statute?
Our public bodies in that district do not happen to agree very well with one another.

2211. Have they ever had a meeting upon the subject to propose an amalgamation?
The burgh of Wick offered the county 90 *l.* for the services of the police within the burgh, but the county rejected it; I may state that it is the opinion of most of the people there whom I have consulted, that if an equitable arrangement could be effected it would be much more conducive to the maintenance of the peace and the repression of crime if the forces were amalgamated.

2212. That is to say, if the forces in Wick and Pulteney Town were amalgamated with the county force?
Yes.

2213. Earl of *Camperdown.*] How many men do the Wick people keep there now of their own?
They have two within the burgh.

2214. What is the cost of the man?
A man will not cost them above 50 *l.*

2215. Earl of *Lauderdale.*] And they offered the county 60 *l.*?
£. 90. for two men.

2216. Earl of *Camperdown.*] Why do they object to the amalgamation?
A very strong feeling arose on the part of the people of Wick on the question of the proportion of the general expenditure which was charged against them; they did not grumble at the local expenditure, but part of the general expenditure came to be very heavy upon them. They were charged a proportion of the chief constable's salary, and of other incidental expenses accruing to each of the constables and half the serjeants; that they felt to be a grievance and threw it off.

2217. Did they object to take their share of the salary of the chief constable?
They did not object to that, but they thought that there was more than their fair share put upon them; for instance, the average cost of each constable to the county is not over 50 *l.*; but, apportioned as it was then, it came to be about 170 *l.*, I think.

2218. *Chairman.*] Then it went off upon the question of money, in fact?
It went off upon the question of money.

2219. Is the same sort of thing in existence in Thurso; is there the same sort of confusion there?
Thurso failed to institute a police, and the county police act there. There are two men stationed in Thurso; and Dr. Mill, the chief magistrate, knowing I was coming here, gave me a letter which I might use in the inquiry.

2220. He is the chief magistrate of Thurso?
Yes.

2221. Has Thurso an independent police, at present?
No, the county police act there.

2222. Will

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2222. Will you read the letter?

"Thurso, 6th June 1868,—Dear Sir—Understanding that you are summoned to give evidence before a Committee of the House of Lords, on the working of the present Police Act in counties and burghs in Scotland, may I beg your attention to its working in the burghs and county here. I am strongly impressed with the propriety of amalgamating the whole police force in counties where there are towns of small population, whether they have municipal rights or have already adopted any Police Act; there would be greater unity of action, and the force would be more efficient under one central control, provided, however, that counties and burghs were assessed at a uniform rate, and that some power was given to the local magistrates to direct the officers in duties within their jurisdiction. This might be sufficiently done by placing them on the committee for managing the police force within the county. I decidedly object to the powers given to either commissioners of supply or police committees to form towns into police districts, as was done here, without giving the magistrates any control over the force, or power of assessing themselves. We feel it a very great hardship and injustice that we have no control, and at the same time are assessed at the rate of 4½ *d.* per 1 *l.* sterling, while the county generally are only assessed at about 1½ *d.* per 1 *l.* (the county assessment is 2 *d.*). Although a greater amount of crime may occur within the limits of a town district, it is found, at least in this place, that a very considerable portion of it is committed by those residing beyond the boundaries. The whole county, being equally interested in the suppression of crime, should bear the same proportion of expense, except in very large towns and cities having an efficient police force of their own. If any measure were to result from this Committee carrying out what I have indicated above, I feel sure it would be hailed with satisfaction by all parties in the North of Scotland."

2223. They think that, having been formed into a district, they bear an undue proportion of the expenses?
Yes.

2224. Earl of *Camperdown.*] Do you think that, if Thurso had a police of its own, the rate would be lower?
I do not think it would be so low; I think it would be higher. In Thurso there is a man kept on duty all night, which is not the case in the county.

2225. *Chairman.*] Has the grievance of Thurso been brought before the commissioners of supply of the county?
It was some years ago.

2226. Were they not inclined to entertain the question?
I believe they did not entertain it.

2227. Lord *Oxenfoord.*] What is the population of Thurso?
The population of the parish is about 5,000, and I think the town would be about 3,000.

2228. Earl of *Camperdown.*] Do you mean that there would be a population of 8,000 altogether?
No; it would be 5,000 altogether.

2229. How many constables do you keep in Thurso?
Two constables and a serjeant.

2230. What amount of money does the town contribute altogether?
I think the contribution is about 130 *l.*; the serjeant is exclusively paid by the county; he takes the district round about.

2231. *Chairman.*] The assessment is levied upon lands and heritages?
Yes.

2232. Therefore the occupiers are not much interested in the question?
No; they are not interested at all.

2233. Earl of *Camperdown.*] The serjeant is entirely paid, you say, by the county; how is it that, if the average cost of the men is 50 *l.* a year, the two men come to 130 *l.*?
Then there is the proportion of the general expenditure.

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2234. The chief constable's salary?

The chief constable's salary, a clerk's, and other expenses: it occurs to me that a much more equitable plan of charging it would be to average the cost of each constable in the force, including the chief constable, and charge the burghs for whatever number of constables they employed, what they actually cost the county; the present arrangement was sanctioned after considerable correspondence between the police committee and the Secretary of State.

2235. *Chairman.*] Do you appoint any additional constables under the 7th clause of the Statute, at the instance of private parties or corporations?

I have only appointed one during my tenure of office.

2236. Earl of *Doncaster.*] For what duty was he appointed?

He was appointed to protect the River Forss.

2237. *Chairman.*] Have you ever had any difficulty as regards presenting your reports to the police committee; you hold yourself entitled, I suppose, to present the reports to the police committee, without having submitted them to any other authority?

Assuredly. I have had no difficulty in that respect.

2238. Earl of *Lauderdale.*] Nobody has claimed a prior right of inspecting them?

No.

2239. Earl of *Camperdown.*] Then your remedy for those various jurisdictions of police in the county would be that they should be all amalgamated; you think that none of those three burghs, Wick, Pulteney Town, and Lewisburgh, are large enough to maintain a police force of their own?

I do not think that an efficient police force can be maintained in a small place.

2240. And you think that those places are not sufficiently large to maintain a police force of their own?

I do.

2241. And that they ought all to be amalgamated with the county?

Yes.

2242. And that that would be a great saving of expense to all those three places?

The saving of expense might not be so much as the additional efficiency of the force. For instance, in Pulteney Town, the Improvement Commissioners there have no power as magistrates; they appoint their constables, and the constables really know very little of their duty. During the last 10 years there was only one case of a breach of the Public-house Act reported by them. The county police going to Pulteney Town reported them very frequently. The man who was appointed head constable by them had to have the reports, which he submitted to the sheriff's fiscal and myself, prepared by a clerk in the town, and all those police reports which should have been confidential first passed through the hand of a broken down lawyer's clerk. In small towns and burghs, where constables are stationed for a number of years, they get so well acquainted with all the people who are in the place, that it is more than human nature can do to keep independent of them. The occasional shifting of constables from one district to another is absolutely essential to the carrying on of the force with efficiency.

2243. Earl of *Lauderdale.*] That you consider to be a reason why those small burghs should be amalgamated with the county police?

I do; it would be beneficial to the service and even to the constables.

2244. Earl of *Camperdown.*] Would there be a very strong opposition in all those places to amalgamating with the county?

Not if the terms were considered equitable.

2245. *Chairman.*] Are the Public-house Acts better enforced in Pulteney Town than in Wick; within the burgh of Wick, as I understand you, the Public-house Act is very badly enforced?

A case occurred there lately, where two county constables had reason to believe that there were a number of people drinking at a public-house at one o'clock

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in the morning. They went to the house and demanded admission; they told them who they were, and the landlord refused to admit them. I reported the matter to the burgh fiscal, who declined to prosecute, and I then demanded his concurrence to prosecute myself. I issued a summons, and when the case came up the clerk of the court held that there was no power under the Statute for the fiscal to grant a concurrence, and the case fell through.

2246. There was never any prosecution at all then?
The case was never prosecuted at all.

2247. Do you know whether they are careful in the burgh with regard to the character of the men whom they appoint as constables?
One of the constables in the burgh was charged with a burglary some three years ago. The case was reported by me to the sheriff, who held that it was a burgh case. The burgh magistrates instituted no inquiry, and the man is now a policeman.

2248. How many policemen are there in the burgh?
Two.

2248*. And this man is one of the two?
Yes.

2249. *Chairman.*] I rather think there is a clause in the Act which prohibits the appointment of a man to another force who has been dismissed from any force?
That clause is in the County Police Act, but it was under the Burgh Police Act that they were appointed.

2250. You act as justice of peace fiscal, I think?
I do.

2251. Do you find that answer pretty well?
I do.

2252. You are one of the few chief constables in Scotland who act in that capacity; Mr. List, in Edinburgh, and yourself, I think, are the only chief constables who act in that capacity?
No; there are a number of others.

2253. It is a very economical arrangement for the county, I suppose?
I believe it is a very economical arrangement for the county, and a beneficial one for the public. In the instance of road cases, which frequently occur under the Road Act, the cost of my prosecutions and the expenses incurred would be about 8*s.*, whereas in the county of Aberdeen, where the justice of peace fiscal prosecutes such cases, they run to between 3*l.* and 4*l.* Very often a fine of 5*s.* is inflicted, and an expense of 3*l.* or 4*l.* is incurred, which, if the party is not able to pay it, falls to be paid by the county to the fiscal.

2254. Earl of *Camperdown.*] Do those duties as justice of peace fiscal take up much of your time?
I have a court in Wick every fortnight, and in Thurso every fortnight.

2255. A chief constable whose time is much occupied in his ordinary business could hardly fulfil the two duties; could he act both as chief constable and fiscal?
In a very large county there might be some difficulty, but in the city of Glasgow, for instance, the superintendents are all fiscals under the City Act.

2256. Lord *Oxenfoord.*] Have you one of your constables attached to the sheriff fiscal's office?
Yes.

2357. Always?
Yes.

2258. Do you consider the chief constable or the procurator fiscal responsible for the detection of crime, or do you think there is any joint responsibility between the two?
I think the chief constable should be responsible for it.

2259. Do

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2259. Do you think under the present law that he is responsible?
I believe he is responsible.

2260. The chief constable is responsible and not the procurator fiscal?
Not the procurator fiscal; the procurator fiscal may be responsible that cases reported to him and got up are prosecuted successfully, but the chief constable is responsible for the prevention of crime and the detection of crime that does occur.

2261. Earl of *Camperdown.*] You are aware of course that the procurator fiscal may issue orders to your men in the beginning of a case, independently of your office?
I am not aware that he has any such power.

2262. Supposing that the fiscal has that right of course he would necessarily share the responsibility?
Of course he would; I have had no practical difficulty upon that head; when a case of a serious character occurs, I generally consult with the fiscal about the best steps to be taken.

2263. *Chairman.*] As far as you know, your belief is at present that the procurator fiscal has no right to give orders to your constables?
That is my opinion; the question may arise whether it is a lawful order of the sheriff that the procurator fiscal shall assume and exercise that power.

2264. Earl of *Camperdown.*] At present all the procurator fiscal's orders pass through your office; through you, in fact?
In Thurso, where there is a resident fiscal, and where a serjeant of police is stationed, they report to the fiscal direct; our sheriff directed that the reports should go to the procurator fiscal direct from the constables in that case, and in the instructions it was directed that priority of information should be given to the procurator fiscal if there was only time to write one letter.

2265. I mean if the procurator fiscal wanted an officer, he would ask you to give him an officer; he would not take an officer without consulting you?
He has an officer under his control; at least, when he wants him he asks me to give him a man. I tell him, if he names a man he thinks will suit him, he can have him, and he is attached to his office.

2266. In fact, it is by your permission that he does it?
Entirely. There is one thing in reference to the Exchequer fees which I consider very anomalous; that is, with respect to the payment in reported and unreported cases. If in the country, or in the absence of the fiscal a serious crime is committed, the case may be reported to the Crown counsel. Supposing a constable apprehends a man or follows him, and incurs very considerable expense in bringing him to head-quarters, and the case is subsequently reported in consequence of its being a serious case, all the expenses are disallowed until a warrant is issued, which is after the man is apprehended and brought to head-quarters. Whereas in paltry cases, such as petty breaches of the peace, or breaking a pane of glass, if a constable incurs any amount of expense in bringing the prisoner to the station, and he is tried summarily by the sheriff, they allow every farthing of it at the Exchequer. So that the effect is to punish counties for the activity of the constables in serious cases, and in petty cases they get their full allowance.

2267. Have you anything further to add to your evidence?
There is nothing else that occurs to me at present.

2268. Can you recommend anything short of compulsion to lead to the union of the forces in Wick and Pulteney Town, with those of the county?
I believe that if the inspector were authorised to make an arrangement he could effect it entirely.

2269. That would be by a voluntary agreement on their part?
They would fall in with it.

2270. Earl of *Doncaster.*] Do you not mean that if he was empowered under he Act of Parliament to say, "I consider this to be necessary, and this is the proper proportion," that would effect the object?
Entirely.

2271. Earl of *Camperdown.*] What proposal did Wick make to the county; you say that the negotiation went off on a question of money?
They offered, I think, 90 *l.* for two constables.

2272. And it was simply upon the question of their not being willing to be iable for the extra expenses that you refused to close with them?
That is the case.

2273. Do the people of Pulteney Town complain much of their own constables?
A great many make a jest of them.

The Witness is directed to withdraw.

Ordered, that the Committee be adjourned to Tuesday next, at Twelve o'clock.

Die Martis, 16° *Junii* 1868.

LORDS PRESENT:

Earl of MORTON.
Earl of AIRLIE.
Earl of MINTO.
Earl of CAMPERDOWN.
Lord ELPHINSTONE.

THE EARL OF MINTO, IN THE CHAIR.

ALEXANDER FORBES IRVINE, Esquire, is called in; and Examined, as follows:

A. F. Irvine, Esq.
16th June 1868.

2274. *Chairman.*] YOU are, I believe, the Convener of the county of Aberdeen?
I am.

2275. Have you for many years taken an interest in all county matters?
I have for a good many years.

2276. Have you had much opportunity of observing the working of the Scotch police system?
Yes; I have been chairman of the police committee of my county since 1862, and before that time I was a member of that committee.

2277. Was there a police in existence before 1857?
Yes, under the Act of 1839; a rural police.

2278. But at the present moment I imagine that the police are regulated under the Act of 1857?
Yes.

2279. There are some burghs which are amalgamated with the county, are there not?
Yes.

2280. They are amalgamated under the 61st section of the Act?
Yes.

2281. Under that 61st section, and the subsequent sections, the magistrates of the burghs retain their magisterial authority as before, do they not?
Yes.

2282. Has there been satisfaction in the burghs with that arrangement?
Quite, so far as I understand.

2283. There has been no disposition to revert to the old state of things?
None.

2284. Are there any burghs within the county, which are not amalgamated, which retain a separate police?
None, excepting the county town of Aberdeen.

2285. Is the county of Aberdeen one police district, or has it been divided into more than one?
Two separate districts have been formed in terms of the 58th and 59th sections of the Act.

A. F. *Irvine*, Esq.

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2286. Under those clauses the suburbs of Aberdeen are united with the county, are they not?

Yes; these have lately been formed into a separate district; comprising the suburbs of Aberdeen outside the city police boundary, but within the Parliamentary burgh, and including the burgh of old Aberdeen and the village of Woodside.

2287. That is to say, it comprises that portion of Aberdeen which is not within the municipality of the town?

Yes, beyond the municipality.

2288. But within the Parliamentary burgh?

Yes.

2289. Is that arrangement better than if the whole city within the Parliamentary boundaries had been united in one police force separate from the county?

Yes.

2290. Earl of *Camperdown.*] Why?

Because the provisions of the Police Act of 1857 are better suited for being worked out in that district than those of the City Police would be, and the burthen is much less on the ratepayers.

2291. *Chairman.*] The county magistrates have no authority within the city of Aberdeen?

None.

2292. Is there any difference in the administration of the police between that part which is within the city of Aberdeen and that part which is without, as regards the inspection of lodging-houses and public-houses; that is to say, between what is within the burgh, and what is without the burgh?

I am not aware of that.

2293. Generally speaking, in the smaller burghs, are you favourable to an amalgamation with the county?

Certainly.

2294. Always retaining the separate magisterial influence of the burgh authorities?

Yes.

2295. Is that on account of the sort of influence which is likely to be gained over the police constables if they are stationed for a long time in one place?

Yes; I should say especially so; on the one hand, it is of advantage that the county police get some knowledge of the haunts and habits of the thieves and vagrants, and other criminals in towns; while, on the other hand, it promotes a circulation of the town force, so that they are not too long in one place.

2296. So far as you have observed, do you think that the terms upon which small burghs may unite with the county are fair?

I consider that they are fair and reasonable.

2297. You cannot suggest any alteration by which, without resorting to compulsion, burghs might be united with counties?

No; they have generally been united with the county on fair and liberal terms, and they have made arrangements quite satisfactory to both parties.

2298. At any moment the burgh authorities may give notice of terminating it?

Yes, if they are dissatisfied with it; but they have given no indications of anything of the sort.

2299. Would you be in favour of a compulsory clause requiring burghs under certain circumstances to be amalgamated in that way?

No; I am not prepared to go as far as that.

2300. And you would not go so far as to say that burghs which had once been united, should not be permitted to disunite themselves?

I would not.

A. F. Irvine, Esq.

16th June 1868.

2301. Are there any additional constables appointed under clause 7 of the Act?

We have no special constables under section 7, except that there is one constable at Balmoral, who is paid by Her Majesty.

2302. Have you had any difficulties regarding the definition of the duties of the procurators fiscal, and of the constables of the county?

We have had none for many years; there was at one time some little difference of opinion, but it has quite ceased.

2303. There was some conflict of authority?

Yes.

2304. Has there been any definition of their respective duties since that time?

No authoritative definition.

2305. But there has been a mutual understanding?

Yes, it has come to be understood, and in general the orders by the sheriff, by himself or through the procurator fiscal, are to be communicated directly to the chief constable. There are certain cases of pressing emergency in which that cannot be done, but in these the earliest notice possible is given to the chief constable.

2306. Earl of *Airlie.*] Is your procurator fiscal paid by fees, or by a fixed salary?

He is paid by the Exchequer for the work which he does for them; he also charges the county with a considerable yearly amount besides what he receives from Government.

2307. *Chairman.*] Are you favourable to the system of a public prosecutor?

I am. I consider it one of the most valuable parts of our system of criminal jurisprudence.

2308. The public prosecutor, as you have just informed the Committee, is paid partly by fees and partly by salary?

He is paid partly by salary and partly by the county; he is paid by the Exchequer for what are called "reported cases," the cases which are of sufficient importance to be reported to the Crown counsel for their advice. With regard to the unreported cases the expense of prosecuting them, and of the investigation of them, is charged against what is called the "rogue money" of the county, subject to certain repayments by the Exchequer in particular cases.

2309. Is there not some awkwardness in having that payment made from two different sources?

Decidedly.

2310. Would you suggest that the procurators fiscal should be paid by salary altogether?

I am very clearly of opinion that they ought to be paid entirely by the Exchequer, and by salary; that in all sheriff court criminal prosecutions the expense should be borne by the Exchequer.

2311. Earl of *Airlie.*] If the procurator fiscal were paid entirely by salary would there be no risk of his being somewhat slack in his work?

I think not, from the character of the men who are generally appointed.

2312. *Chairman.*] What is the special evil of the present system with regard to the payment; what inconvenience does it cause?

The whole division into reported and unreported cases is an entirely arbitrary one; and puts it altogether in the option of the procurator fiscal to bring the cases under one class or the other. It is entirely in his option whether or not he shall report the case to the Crown counsel, or indeed shall drop it altogether.

2313. When he reports a case to the Crown counsel he is paid by the Exchequer in his salary?

Yes.

2314. But if he does not report the case the expenses are paid by the county?

Yes, subject to the repayments I have referred to.

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2315. Earl of *Morton.*] Then it is his pecuniary interest not to report a case?
It is sometimes his pecuniary interest not to report it.

2316. Earl of *Camperdown.*] Where he proceeds himself?
Yes.

2317. Are there not cases so simple that they are prosecuted without being referred to the sheriff?
Yes; cases where it is not thought necessary to consult Crown counsel.

2318. Those cases are not reported?
No.

2319. Earl of *Morton.*] But they are proceeded with?
Yes, they may be.

2320. Earl of *Camperdown.*] In an unreported case which is proceeded with, is not the procurator fiscal the person who prosecutes the case, and therefore takes the fee?
Yes; he charges the rogue money with the expenses.

2321. Earl of *Airlie.*] You object to the procurator fiscal doing so?
Yes; I think that it is unfair.

2322. Supposing that he was paid by salary, do you think that he should report all cases?
I think that he should be paid by salary for all cases, whether reported or unreported.

2323. Supposing him to be paid by salary, would you have all the cases reported?
No; I would still leave it to the procurator fiscal.

2324. You would leave him the option which I understood you just now to object to?
I think that it is rather unfair for the county that the question whether or not these cases should be chargeable on the Exchequer should be dependent upon the procurator fiscal himself. At the same time I make no charge against the procurators fiscal generally. I do not say that they abuse the power, but that they may do so.

2325. *Chairman.*] It is in fact a temptation to them?
It is.

2326. In certain cases, when the police constables themselves are employed in particular duties, their expenses are returned to the county, are they not?
Yes, in certain cases.

2327. That is to say, where they are acting as sheriff's officers?
Yes; where they are acting as sheriff's officers, they are paid certain fees by the Exchequer.

2328. They keep a note of the expenses, and the expenses are repaid to the county?
Yes.

2329. So that a police constable may be acting in a manner which would entitle the county to repayment, and in a very similar manner which would not entitle the county to repayment?
Yes. In most cases there are certain preliminary inquiries which the police constables must make, and which are very important as being the very beginning of the investigation, for which they receive, generally speaking, no remuneration from the Exchequer.

2330. Must not that entail a good deal of trouble and inconvenience?
Yes.

2331. Would it not be much better that the system of fees should be abolished?
I clearly think so. The whole of the criminal prosecutions in sheriff courts should be paid by the Exchequer by salary.

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2332. Might an average be taken for a certain number of years, and a regular sum to that amount allowed to the counties in lieu of fees?

It would be much better that the Exchequer should take the matter into their own hands, and should pay the procurator fiscal for his whole duties in prosecuting crime.

2333. I believe that, according to your scheme, the counties would be entirely relieved of that expense, and the Exchequer would be so much the worse?

Undoubtedly; but we think it not unfair that the prosecution of criminals generally, which by the Scotch system is done by a public prosecutor, and not by a private party, should be paid from the general funds of the country, and not exclusively by the landowners, upon whom the burthen of the police and county constabulary principally falls.

2334. The public prosecutor is not a county officer?

He is not, and the county have no control whatever over him or his accounts.

2335. I think that you presented a memorial to the Home Secretary?

Yes.

2336. Does it at all enter into those points?

It does.

2337. Earl of *Morton*.] Have you had any reply?

We have had no reply as yet.

2338. *Chairman*.] Will you read such parts of that memorial as you think apply to this question?

This memorial was unanimously adopted, and is as follows:—"Unto the Right Honourable Gathorne Hardy, M.P., one of Her Majesty's Principal Secretaries of State. The memorial of the Commissioners of Supply of the county of Aberdeen in general meeting assembled, humbly showeth—That your memorialists desire to draw the attention of Government to the very anomalous and unsatisfactory manner in which the procurators fiscal of the sheriff courts in Scotland are remunerated for their services. These officers are paid by the Exchequer, in most cases by fixed salaries, for all their professional services in investigating and prosecuting such criminal cases as are reported by them to Crown counsel, and which are therefore known as 'reported cases.' The necessary outlays incurred in such investigations and prosecutions are also, as your memorialists understand, repaid by Exchequer, so far as incurred after the date of the sheriff's warrant; the warrant of a justice of the peace or other inferior magistrate not being recognised for this purpose. The expenses, including both outlays and professional charges incurred by procurators fiscal in prosecuting and investigating those criminal cases which are not reported to Crown counsel, and which are known as 'unreported cases,' are held not to be covered by their salaries, but to be chargeable against the county rogue money, subject to a claim on Exchequer for repayment of such expenses; (1) when the case is brought to trial, and (2) when the person accused is committed for trial, except in cases of breach of Trespass Act, and night poaching offences, for which no claim against Exchequer is recognised. As regards unreported cases, Exchequer, it is understood, makes no distinction between proceedings on a warrant of the sheriff and those on a warrant of any inferior magistrate. The effect of the arrangements above indicated is clearly, when the fiscals, as is the case in all the large counties, are paid in Exchequer by salaries, to place these officers in a most unfair position for the proper discharge of their duties to the public, and also to make their relations with the counties most anomalous and unsatisfactory, more especially when it is kept in view that the fiscals are Crown officers appointed by the sheriffs, and that the counties have no voice in their nomination, nor any control whatever over them. As regards the fiscals themselves, the great drawback of the present system is the doubt it tends to throw on their perfect disinterestedness in the discharge of the very important duties devolving on them as public prosecutors, and the consequent necessary diminution of the respect due to the holders of so responsible an office. The present system is a direct temptation to the procurators fiscal to thwart the course of justice, and to abstain from reporting and carrying through the cases brought under their notice. A salaried fiscal has a strong inducement to stop short after

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after making the preliminary investigations in a case, and not to report it to Crown counsel at all; as, if he reports the case, his services are held to be covered by his salary from the Crown; while, if he does not report it, he charges professional fees for such services against the county. As regards the counties again, it places them in the position of having to pay to an official who is entirely out of their control almost any charges he may choose to make against them. A county has no power to require the fiscal to accept a salary from it in place of fees; and although the character of the fiscals in general stands so deservedly high that they are not likely deliberately to take undue advantage of their position, there is practically nothing to prevent any of these officers from running up heavy bills against the county for the investigation of cases of the most trifling character, which might have been satisfactorily and speedily disposed of by an intelligent police constable; while, on the other hand, there is an evident risk that matters of importance, which ought to be reported to Crown counsel, may be dropped after the preliminary investigations have been made by the fiscal, and not reported at all, seeing that reporting such cases would occasion to that officer a direct pecuniary loss. In these circumstances your memorialists are of opinion that it would very materially further the interests of justice, as well as greatly improve the relations presently subsisting between the counties and the procurators fiscal, and place these officers on a footing much more satisfactory both to themselves and the public than the very unfair one they at present occupy, if measures were adopted for having the remuneration of procurators fiscal paid entirely by the Crown, and the counties relieved from paying for services which they have no power either to exact or to dispense with. Your memorialists are satisfied that the other counties in Scotland will generally concur in the object of this memorial, as the anomalies of the present system have for years been a standing source of complaint throughout the country." That memorial is dated the 30th of April 1868. (*See* Appendix.)

2339. You do not think that if that plan were carried out, and if procurators fiscal were paid merely by salary, there would be any danger of their not sufficiently inquiring into cases for which they received no special remuneration?

If they did so it would soon become known.

2340. Then the idea is that the chief constable of the police force ought to be independent in working out the investigation of offences and the detection of crime?

I think that the main duty of investigating crime ought to be with the police force; that they ought to take the initiative, and report to the procurator fiscal, who would act as Crown lawyer, and who would exercise his own judgment upon the information which he received, and would direct what further information he might require.

2341. But you do not think that the procurator fiscal himself should direct the manner in which the prosecutions should be conducted, or give orders to the police?

I think he would be entitled to suggest to the police any matter or any inquiry which he might desire. Where he found the information given to him in the first instance insufficient, it would be almost necessary for him to indicate what further line of inquiry should be made.

2342. Is there any possibility of a simultaneous action being taken with reference to an inquiry into an offence by the procurator fiscal on the one side, and by the chief constable on the other?

It is quite possible; I cannot state that I have known an instance of it, but I can quite fancy that the procurator fiscal and the chief constable might independently pursue an inquiry into the same case if there were any want of harmony or good understanding between them.

2343. Would it be possible so to define the duties of each officer as to obviate that possibility?

I think that the procurator fiscal should be the Crown lawyer, and that he should indicate the inquiries which he wished carried out, but that those inquiries should be made by the constable, and should be reported by him.

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2344. Is there any difference with regard to cases which are brought before the circuit court of justiciary, as respects the payments which are made for police services?

The police constables are not qualified to serve warrants in cases which are to be tried before the court of justiciary; they have very large powers in all other cases of warrants.

2345. Practically, who are the persons who serve citations?

They are served in the country by sheriff officers; round Edinburgh they are served by the macers of the court.

2346. But constables are made sheriff officers, are they not?

Yes, many of them are, and they, of course, may perform those duties.

2347. Will you read the 14th clause of the Act of 1857?

"All warrants and deliverances which may be issued in any criminal proceeding within any county by the sheriff, or any justice or justices of the peace of such county, or magistrates of burghs forming part of such county, for the purposes of this Act, may be served and executed, and all services, citations, and executions in any criminal proceeding before such sheriff, justices, or magistrate may be made and given by any constable of such county appointed under this Act."

2348. You would add something to that?

Yes; I would add a clause to the effect that they might also serve warrants in cases before the court of justiciary.

2349. Have you ever had any question as to the responsibility of the chief constables in sending reports to the different bodies to whom they are bound to report?

No, we have had no question of that sort.

2350. You hold that the chief constable is bound to send a report unaltered to the police committee, do you not?

Yes, I hold that opinion very strongly; of course it is for the parties to deal with that report as they think proper. In the first instance it lies, in my opinion, entirely with the chief constable, and it is in his discretion as to what report he shall make.

2351. Do the justices in quarter sessions take much charge of police affairs in Aberdeenshire?

Very little indeed; I do not remember any case where they have given directions with regard to the police force.

2352. Did it ever occur to you that the authority given under this Act to the justices in quarter sessions might be transferred with advantage to the police committee?

My opinion is, that it would be more advantageously placed in the hands of the police committee than in the hands of the quarter sessions. I may explain what probably is known to most of your Lordships, namely, that the duties of the quarter sessions in Scotland are generally extremely light compared with what they are in England. In England it is an important court, and tries criminal cases almost in the same way as our supreme criminal court does. In Scotland we have scarcely anything of the same sort, and practically, so far as my experience goes, the duties of quarter sessions are principally those of hearing appeals against the decisions of licensing courts, and some small cases of that kind, and occasionally appeals from prosecutions under the Game Statutes.

2353. Would it serve the purpose if the justices in quarter sessions were able to delegate their powers to the police committee in the same way as the commissioners of supply delegate their powers to the police committee?

If it should be thought desirable to make a transference of the power, I think that it ought to be made directly by an alteration in the Act. I do not know that it is of much importance, but practically they are, in my county, very nearly the same body. There are not very many active county gentlemen, and the few that there are really do the whole business of the county, and the elements are generally the same whether they are at quarter sessions or in the police committee,

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mittee, or in county meetings generally. Upon the whole, I am of opinion that the police committee would be a more advisable body to have that power.

2354. I suppose that there are a good many persons on the police committee who are not justices of peace?

There are some, but not many.

2355. Do you think that it would be desirable to enable the justices of peace in quarter sessions to nominate one or two members of their own body to the police committee in the event of such a transference of power being made?

I think that practically, for the reason which I have stated, it would come to very much the same thing.

2356. Have you at all thought of the question of superannuation for the police?

I have, generally. I do not say how the details should be worked out, although I consider that length of service should be the chief element; but, generally speaking, I should be very much in favour of it, as adding to the efficiency of the force.

2357. Supposing that the Exchequer relieved the counties of a considerable portion of the expense now devolving upon them, do you think that the counties would be able to undertake the superannuation?

The counties are disposed to deal liberally with the police. They feel the advantage of having good men for the detection of crime, and I believe that they would willingly go into a reasonable scheme for getting a superior class of men.

2358. There is one question which does not appear to be a question of practical interest in your county; but with regard to the appointment of additional constables under the 7th section of the Act, those additional constables are appointed under the 7th section without any reference to the county; an application is made to the chief constable, and, with the approval of the sheriff, those additional men may be appointed?

Yes.

2359. Would it not be expedient that the opinion of the county should be obtained as to the desirability of additional constables being employed under their chief constable?

The police committee might fairly have that power; there might of course be questions between the sheriff and the police committee, one thinking one thing desirable, and the other another; but that could scarcely be avoided.

2360. Might not the concurrent opinion of the sheriff and of the police committee be required?

If they both concurred, I think that that might very fairly be adopted.

2361. Clauses 27 and 28 of the Police Act give the power of assessing for certain purposes on the rogue money, and for certain other purposes on the police rates; what is your opinion in that respect?

I am of opinion that all assessments for criminal purposes should be leviable under the Police Act, and that the Rogue Money Act should now be repealed; it is a very old Act, and it seems to me that all the purposes for which it was originally intended are answered by other Statutes. The apprehension of criminals and the detection of crime generally would appear now to come under the Police Act. The second object of the old Rogue Money Act, namely, the subsistence of criminals while in prison, comes most naturally under the later Prison Statutes, while the expense of prosecution, according to the view I hold, would be undertaken by the Exchequer.

2362. Would not it in some cases transfer a taxation from one set of persons to another?

It would in the case of the Exchequer paying the expense of prosecutions; what is now payable by counties would be transferred to the Exchequer.

2363. If you abolished the rogue money, and raised the whole amount by police assessment, some parties would be relieved, and others would suffer, would they not?

Not

Not to any great extent; upon the whole, the rogue money is assessed upon very much the same class of ratepayers.

2364. Earl of *Camperdown*.] Supposing that the Exchequer objected to pay the entire salary of the procurator fiscal, should you approve of the county giving a certain sum to the Exchequer upon condition that his own salary should then be paid by the Exchequer?
Yes, it might be done either in that way, or, still better, in the mode which has been adopted by some counties in Scotland. They agree with the procurator fiscal to compound, and instead of charging them the account which he has from year to year, they give him a certain sum.

2365. That would make him rather slack, would it not, in unreported cases; because it is quite clear that if he did not actively proceed in those unreported cases, he would gain by his expenses being less?
Yes; but in those counties which have adopted that plan for some time I believe that no complaints of that sort have arisen; but, as I have explained before, the county have no power to compel the prosecutor to take any salary, or to fix the amount.

2366. *Chairman*.] The procurators fiscal hold other offices beside that of procurator fiscal, do they not?
In some cases they do; in Aberdeenshire I do not think that they hold any other office; but they have their private business besides.

2367. Is that because the gentlemen of the county object to appointing procurators fiscal to any of the other county offices?
I am not aware of that.

2368. Earl of *Camperdown*.] Do you think that in a large county like Aberdeen one person can perform the duties of procurator fiscal, and can carry on a private business with advantage?
There is more than one procurator fiscal; there are two procurators fiscal to whom the principal share of the work falls.

2369. Are you favourable to the procurator fiscal having a free right to do all that he can besides being procurator fiscal?
I know of no practical inconvenience which has arisen from it.

2370. *Chairman*.] In theory does not the same objection apply to the appointment of sheriff's substitute and chief constables?
The sheriff substitute is a judicial officer, and I do not well see that he could be allowed to hold any other office; the office of procurator fiscal is not so much a judicial office, and practically I think that it would be difficult to find the same class of men to do the duty if they were debarred from private practice, unless their salaries from Government were very much increased.

2371. Earl of *Airlie*.] As a matter of fact, the Lord Advocate, who is at the head of all the procurators fiscal, and who has political functions to discharge as well, engages in private practice, does he not?
He does.

2372. *Chairman*.] Is there not an immense amount of power in the discretion of the procurator fiscal, as to whether he should report a case or not?
Yes; very great.

2373. Therefore he ought to be kept clear from the suspicion of local influence?
Certainly.

2374. Can you tell us what is the salary of the two procurators fiscal in your county?
I know that the procurator fiscal at Aberdeen has 580*l*. a year; the one at Peterhead is not on salary.

2375. Besides the 580*l*. a year he has some other payments to trust to?
Yes, his charges on the county; including all the items, the county now pays more than 500*l*. a year to sheriff's fiscals.

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2376. Earl of *Camperdown.*] Do you know what is the salary of the sheriff substitute?
It is about 700*l.*; I think that the salary is 700*l.* or 800*l.* a year.

2377. Do you ever hear any fault found in the county of Aberdeen with the county police as at present administered?
I have never heard any complaint.

2378. Have you heard any complaints in other counties?
No; I do not know the details of other counties; but I cannot say that I have heard any great complaint against the management of the police generally.

2379. *Chairman.*] Have you anything to add to the evidence which you have already given?
With regard to the Exchequer payments under the Police Statute, they repay one-fourth of the expense of the pay and clothing of the force, but they make a deduction which we think is rather unfair to the counties. Before striking one-fourth, which they repay, they deduct the rents paid by the constables for the occupation of the police stations which we built, and we consider that unfair, because, if we did not provide these stations, and if the constables found their lodgings elsewhere, the Exchequer would not then deduct these rents.

2380. That is to say, when you build the stations you receive nothing in return?
We charge a nominal rent to the constables, and that is deducted from the gross expense before the Exchequer pay the one-fourth, and they do not pay any of it. I think that the Exchequer are not entitled to inquire where the individual constables get their lodgings, and that they should pay their one-fourth independently of that deduction, and that is understood to be the practice in England.

2381. I think that the dismissal of the constables is now entirely in the hands of the chief constable, is it not?
Yes; the chief constable has power to dismiss them.

2382. That is a great power; do you think that it is necessary?
I think that it is a safe power, care being taken to appoint a proper chief constable.

2383. Supposing that a system of superannuation were granted, and that a man had served 10 or 11 years, and would become entitled to superannuation, would it not be rather too much to entrust to one man the power of dismissing a constable, and depriving him of that superannuation?
Yes; I think that, at all events, there should be the concurrence of the police committee, who would be removed from any suspicion, and are a class of men who would treat a constable leniently.

2384. Earl of *Airlie.*] Is not the chief constable now responsible to the police committee?
In the matter of the dismissal of a constable, I think that is entirely at his disposal. Of course the police committee, if they were very much dissatisfied, might dismiss the chief constable; they have the power, in extreme cases, of doing so. If he acted very arbitrarily they might then exercise that strong power and dismiss him.

2385. *Chairman.*] But the question of dismissal never comes at present before the police committee at all, does it?
No, except as a matter of fact as to what the chief constable has done.

2386. Earl of *Airlie.*] If there was any flagrant case, could not the police committee inquire into it?
Certainly.

2387. And if they were satisfied that the chief constable had done wrong they might then dismiss the chief constable?
Yes, or they might caution him in an extreme case.

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2388. Is it not desirable to entrust an officer, who is responsible for the good conduct of the force, with rather large powers?
That is certainly my opinion.

2389. Earl of *Camperdown*.] Who appoints the chief constable?
The police committee.

2390. *Chairman*.] Subject to the approval of the Secretary of State?
Yes.

2491. And I think that they dismiss the chief constable without the necessity of any such approval?
Yes.

2392. So that the police committee might act as arbitrarily towards the chief constable as the chief constable might act towards his subordinates?
Certainly.

2393. In that case might it not be desirable to give an appeal from the police committee to the Secretary of State, with regard to the dismissal of the chief constable?
There could be no objection to that, as his appointment is submitted to the Secretary of State and obtains his approval.

2394. Would it obviate some of the objections to depriving the chief constable of his power, if in a case where a police officer had only served for two or three years, the power was retained in the hands of the chief constable; but if, after a man had become entitled to some little pension, and had perhaps subscribed to the fund, the approval of the police committee was required?
I think that the same thing should go on throughout, and that if it is desirable to limit the power of the chief constable as to dismissing his subordinates, it should be done from the beginning.

2395. There is no power of resignation, I think, in the members of the police committee?
Practically, they do resign.

2396. But there is no power of appointing to the police committee except on the 30th of April?
None.

2397. So that if two or three members of the police committee wish to go abroad, or to resign for any other reason, their places cannot be filled up except upon the 30th of April?
No; but practically the same members continue, there not being very many active members in each county; they are re-appointed each time, and they may be changed root and branch every 30th of April.

2398. Has any difficulty been experienced in your county as to what is, or what is not, a lawful order on the part of the sheriff?
There was at one time a difficulty in that respect. I am now speaking of the interference of the procurator fiscal, or the sheriff, direct with the constables.

2399. What was the character of that difficulty?
It was when the procurator fiscal was entitled, as well as the sheriff, to direct the constables, independently of the chief constable.

2400. Was that matter settled, or was it referred to any arbitration?
The county memorialised the Secretary of State, but a change was made in the chief constable at that time, and the matter was not pressed upon the Home Secretary, and since then nothing of the sort has happened, and the two branches have worked harmoniously.

2401. But the question remains undecided?
The abstract question still remains undecided. We took the opinion of eminent Scotch counsel.

2402. Have you anything further to state?
The principal grievance which the counties feel is the heavy payment to the procurator fiscal, and if they could be relieved of them I think that they would feel themselves relieved from the main grievance. Upon the 7th section

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of the Act, as to appointing extra constables, it seems to me that, having a sort of extra force, you might use that as a means to recruit the principal force. If any of these men distinguished themselves, and showed a knowledge of their duty, it would be a very good source from which to draft constables into the main body.

The Witness is directed to withdraw.

JOHN ORD, Esquire, is called in; and Examined, as follows.

J. *Ord*, Esq.

2403. *Chairman.*] ARE you a Proprietor and also a large Farmer in the county of Roxburgh?
Yes.

2404. Have you taken considerable interest in police matters?
I have taken a very great interest in police matters for many years.

2405. Are you perfectly cognizant of all that has been done in regard to increasing the number of the police, and the employment of additional constables, for the protection of game and of salmon?
I think that I am.

2406. There is, I think, a large force in the county of Roxburgh, in comparison with its population?
A very large force; the largest of any county in Scotland, with the exception of one, namely, the adjoining county of Selkirk.

2407. Have you any opinion as to what necessitates so large a force being kept in those counties?
Yes. I think that the large increase to our police force has been caused in a great measure by the Tweed Act. In my opinion, the police force of the county is much larger than is necessary, if we had not also the watching of the River Tweed and its tributaries.

2408. Is it the case that the regular county forces in those counties are employed in protecting the rivers?
A few years ago an arrangement was come to between the Tweed commissioners and the commissioners of supply, that the Tweed commissioners should keep a force of eight constables, at their expense, to assist the county force in the protection of the River Tweed during close time; and at another period of the year that force was to be available for the common police duties of the county.

2409. Supposing that the chief constable were not employed in superintending the Tweed constables, you think that a smaller county force might be maintained, and therefore a smaller assessment upon the county made?
In my opinion a much smaller force would be required; I cannot see why the county of Roxburgh should require a greater number of constables in proportion to its population than the other counties of Scotland, our population being industrious and well disposed.

2410. Supposing that the chief constable were entirely separated from the Tweed force, would not the county force be called upon to assist the Tweed constables appointed under the regular Tweed commission?
They might, but that could only be when the police of the county were upon the river, and in cases of riot the Tweed force could call upon our county force to assist them.

2411. But that would only be in cases of apprehended riots?
Yes, or when the Tweed force apprehended that a large number of persons would assemble, I conceive that they could apply to the county force for assistance.

2412. But in the ordinary course of detecting persons fishing for salmon or anything of that kind, it would depend upon the local authority?
Yes.

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2413. With a view to the morality of the country, is it not desirable that poaching should be suppressed as much as possible?
Certainly.

2414. Do you think that the arrangement which has been in operation for some time, has tended to the suppression of poaching in the river?
I think that it has, but in a much less degree than I should have supposed it to do. I know that there have been many cases of poaching in the last close time, and that, in fact, during the last close time we have had one or two riots; one in particular was very serious.

2415. I consider that the rivers are fuller of fish than they used to be, and that therefore there is a greater inducement to poachers?
Yes.

2416. The taking of that fish out of the river during close time is not considered by the population to be any crime, is it?
No; that is the great difficulty in the checking of poaching; we cannot get our population to look upon it as a crime.

2417. That being the case, you perhaps would think that the regular county force should not be connected with the detection of those crimes?
I have a decided opinion that they should not be. In many cases it creates a feeling against the police of the county where otherwise it would not be the case if they were a distinct force.

2418. Earl of *Camperdown.*] Do you think that the county derive any benefit from the Tweed constables?
I do not think that the county does derive any benefit from them. As regards those Tweed constables whom the Tweed commissioners pay, I do not think that we require them at all. We have a much larger force than is required for the ordinary police duties, and at present I cannot see how the 44 men are employed.

2419. *Chairman.*] Do you think that a great deal of the time of the police constable is taken up in the superintendence of the river?
I think that a great portion of his time, for three or four months of the year, must be so taken up.

2420. Has that brought him into collision with any of the county authorities?
Yes, I am sorry to say that it has.

2421. Earl of *Camperdown.*] Jedburgh is your county town?
Yes; the appointment of our chief constable as superintendent of the Tweed force, has led to a collision between him and the officials of the county, which I think would not otherwise have taken place.

2422. *Chairman.*] That I think arises partly from the courts in which the prosecutions are made, does it not?
Yes.

2423. There is, I think, a doubt as to how far the sheriff has a control over the constables who are paid by the Tweed commissioners, in the same way as he has a control over the constables who are paid by the county?
There is a doubt, but I think that the sheriff has a control over those constables, because although they are a force raised principally for the protection of the Tweed throughout the close season, they are under the control of the sheriff as well as of the chief constable, and they are, I presume, under the control of the justice of the peace as well.

2424. I presume that the whole arrangement is made under the 7th clause of the statute?
Yes.

2425. That clause gives no power to the county to offer an opinion upon the subject?
No, which I think is to be regretted.

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2426. You think that it would be better that an arrangement, such as is now in force in Selkirkshire and Roxburghshire for the appointment of a considerable number of additional constables, should be subject to approval by the county?

2427. Do you think that the powers which are now in the hands of the justices might with advantage be transferred to the police commissioner, or to the commissioners of supply?

Probably they might, without any injurious effect; but I have a hesitation in giving an opinion upon that point. I am not sure that it might not have the effect of dissatisfying a portion of our county justices, because, as you are aware, they have not very great powers now in our Scotch counties.

2428. But the Scotch counties are very strongly represented on the police committee?

Yes, most of the members of the police committee are justices of the peace.

2429. Would it not be possible, if you transferred the power which is now in the hands of the justices in quarter sessions to the police committee, to give to the justices the right to nominate one or two members of the police committee?

It might easily be done, and I think that if any power were taken out of the hands of the justices of peace who at present possesses it, it would be very desirable.

2430. Practically, the justices of peace exercise very little power?

Very little indeed; the police committee know the working of the police throughout the county much better than the justices of the peace, although the justices of peace have much more power than the police committee have.

2431. Is there not sometimes a conflict of authority between the public prosecutor and the chief constable; is there not some doubt as to how far the public prosecutor has power over the men, and how far the chief constable has that power?

Yes; but I believe the procurator fiscal has no direct power or control over the constables, only as the sheriff's representative.

2432. Has he not the power of ordering the constables?

Yes, as the sheriff's representative in all criminal cases. I think there would be no cause of collision if the parties abided by their own proper functions.

2433. You think that their functions are sufficiently defined?

I think they are pretty well defined. The lord lieutenant, the sheriffs, procurator fiscal (through the sheriffs), and the justices have the control and direction of the police force.

2434. Have you any opinion upon the superannuation question; do you think that it would add to the efficiency of the force if there were superannuation?

Yes; although I am very much opposed to a large police force, I hope that I have the welfare of them, as individuals, at heart. I have given my attention to the subject for a number of years, and I think that a superannuation fund would be a great boon to the force, and ensure a supply of good men.

2435. I fear that a superannuation system could not be established without throwing additional expense upon some parties, either the Government or the localities?

It could not; but I would not grudge an increased assessment for the purpose of establishing and maintaining a superannuation fund.

2436. If a superannuation fund were established, and if the constables were incapacitated after a certain length of service, and became entitled to a pension, do you think that it would be desirable to take away some of the authority of the chief constable as to dismissing the men under him. The dismissals are now entirely in the hands of the chief constable?

I have no doubt that that is a very great evil; I think it is a power which no chief constable ought to possess; no officer commanding a regiment has the power; and in all cases of dismissal, I hold strongly the opinion that the constable should have a right of appeal.

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2437. In the same way, would it be necessary to give a right of approval to the Secretary of State in the event of the police committee dismissing the chief constable?
I think that it would be.

2438. In the county of Roxburgh, I think that one or two burghs are united with the county for police purposes?
Yes.

2439. And others are not?
Others are not

2440. In those burghs which are united with the county, do you think that there is general satisfaction with the arrangement?
I have heard parties in Jedburgh say that the police duties in the burgh are not so well performed as they were at one time, but I cannot say whether that feeling is general.

2441. They have the power of retracting their agreement, if they please?
I believe so.

2442. They have not gone the length of having that agreement broken?
No; I have only heard one or two parties speak privately of it; I am afraid that the large force which we have in Roxburgh will prevent others from amalgamating.

2443. From the fear of being subjected to an assessment?
Yes; and losing the control of their constables.

2444. Earl of *Camperdown.*] What is the amount of your police rate in Roxburgh?
I believe it is about 2½*d.* in the pound; but in fairness I should add, that in another year or so, when the stations are completed, the assessment may be considerably reduced.

2445. *Chairman.*] On general grounds, do you think that it would be desirable that the burghs and counties should be united for police purposes?
Yes.

2446. Would you make the union compulsory?
I would not go that length.

2447. Have you any other remarks to make upon the working of the police system?
I may be allowed to repeat that I am decidedly of opinion that the police force of the county should be separated from the Tweed force, as the amalgamation has caused serious differences between the officials of the county and the chief constable.

2448. At all events, you think that if such arrangements were carried out, they ought only to be carried out if the counties were so inclined?
It should only be with the approval of the commissioners of supply of the county.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Monday next, at Twelve o'clock.

Die Lunæ, 22° Junii 1868.

LORDS PRESENT:

Earl of MORTON.
Earl of LAUDERDALE.
Earl of AIRLIE.
Earl of MINTO.
Earl of CAMPERDOWN.
Lord ELPHINSTONE.
Lord LYVEDEN.

THE EARL OF MINTO IN THE CHAIR.

DR. WILLIAM FARR, is called in; and Examined as follows:

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2449. *Chairman.*] You are the Superintendent of the Statistical Department of the General Register Office?

I am.

2450. And, generally, you have given a good deal of attention to the question of a superannuation fund in the police force, as regards the metropolitan, the county, and the borough forces of England?

At the request of the late Sir George Lewis, I reported on the Metropolis Police Fund, and again I reported on the County Superannuation Funds of England; my reports are in print.

2451. You are aware that we stand upon a perfectly different footing in Scotland, as regards the question of superannuation, from what we do in England?

I see from the report of Colonel Kinloch that you have no superannuation fund.

2452. The superannuation system in England was, I think, according to your opinion, founded on a totally wrong principle?

Quite.

2453. The calculation was, in fact, erroneous?

There were no calculations at all; it appears to be mere guess, and upon such a complicated subject great errors were committed.

2454. In Scotland, if we do adopt the superannuation system, we begin *de novo*, and are at liberty to adopt the best that can be suggested?

The expectations of the men in England having been raised, and a certain system founded, there has been great difficulty in changing it without injustice, and without disappointing their just expectations.

2455. Although we have no regular system of superannuation in Scotland, there is a power in the Scotch Police Act to give allowances and gratuities to members of the force who have attained 60 years of age, and who are certified to be incapable, from infirmity, for further service?

I was not aware that power existed; but I suppose, also, if they are disabled in service, they receive a gratuity.

2456. I will read the clause, and you will be able to follow it: "It shall be lawful for the commissioners of supply of any county, if they think fit, on the report of the police committee, and upon the recommendation of the chief constable, and upon his certifying that any constable belonging to the police force of the county, who is 60 years of age, is incapable, from infirmity of mind or body,

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body, to discharge the duties of his office, to order that such constable shall receive out of the police assessment to be levied as aforesaid, such sum in gross, as a gratuity upon his retirement, as to the said commissioners of supply may seem proper"; it is in the discretion of the county to give a gratuity if they please?

There is no provision for what is considered very important in England, namely, injuries or wounds received in actual service, under which many pensions in England have been granted; wounded men are treated with a certain amount of liberality.

2457. Do you think that very desirable?

I think it very desirable; it is attended with some difficulty, but the principle is perfectly correct.

2458. Supposing there were a general disposition to open up a system of superannuations, which in itself is desirable, the most important consideration is, what cost will be laid upon the counties or the general government to provide a good system of retirement for the police?

I have looked over this report, the information in which seems ample, as far as administration goes; but it does not contain statistics of the ages or terms of service, and other things. Such information is required, in order to frame a calculation or estimate which might exactly determine the probable expenditure of the fund. I can only, therefore, assist the Committee to this extent, by assuming that the fund is administered on some such system as existed in England and the metropolis. As to the metropolitan fund, it had existed 30 years when I reported on it, and there was a good deal of information and experience attained previously.

2459. In England, when a man has attained the age of 60, and is certified from being incapable, either in mind or body, to remain in the service, he has the absolute right, has he not, to retire?

He has not an absolute right; it is not put in that way, but it is considered optional; virually, he claims it and it is conceded. It is quite a matter of course that he should get it; but the men are told from the first that they have no right to a pension under any circumstances. The words of the Act are: "Nothing herein contained shall be construed to entitle any constable absolutely to any superannuation allowance," 2 & 3 Vict. c. 47, s. 23.

2460. You said just now you did not think that the English system is in itself a good one?

I do not think it is.

2461. It would be a great mistake to adopt it in Scotland?

Yes. The metropolitan system has been altered, in consequence of the suggestions made in my report. It is no longer what it was.

2462. When you say that the English system is a bad one, do you mean to say that it is undesirable there should be a stoppage in the men's wages?

Quite so; I think that is very undesirable. The English system was of this nature; deductions were made from the weekly pay of the various classes of officers and constables, and the sum thus obtained, which was about 5 *d.* a week from each man, together with other sums derived from stoppages in sickness, the sale of old clothes, and fines, were thrown into a fund, which it was supposed would provide gratuities and pensions to the men and officers; the pensions ranging from 15 to 20-30ths of the pay, after from 15 to 20 or to 24 years' service. These contributions were quite inadequate to provide such pensions, and the metropolitan fund was swept away. It lasted for a certain number of years, as all these funds do, and as soon as the pensioners came on, it disappeared.

2463. Do you think it would be simpler to have nothing to do with such contributions as those?

I think so; it is quite possible, of course, to establish a self-supporting fund; but I think it is very inadvisable.

2464. It all comes to much the same thing in the end?

Yes; in fact they have raised the pay of the men, and still, I fear, do deduct this 5 *d.* and so on, from the men's weekly pay.

2465. You think it possible, that if we were to raise the fund partly by stoppages, that the men would expect an increase of pay?

They

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They always expect a pension if they contribute to the fund, and they expect that the fund shall exist, and shall provide that pension; they have nothing to do with the management of the fund themselves; the fund is not their fund; it is managed by the Government or by the Commissioners of Police, or the Secretary of State.

2466. If contribution is given to them in their old age, and the stoppages are made out of their pay, do you think they would still require an addition to be made to their pay?
They have required it in England.

2467. Earl of *Airlie.*] I see by your Report to the Secretary of State in 1866, at pages 14 and 15, you propose that no policeman should be entitled, except in the case of sickness, to a pension until after 15 years' service?
Yes, that is so; sickness or infirmity.

2468. And then you propose a graduated scale?
That was the existing system, and I quite approved of it.

2469. Assuming that in Scotland, where we have no pension system, we were to bring a system of that kind into operation, and that we should, starting afresh, adopt this scheme, and provide that no person should be entitled to a pension until he had served 15 years from the time of the adoption of the scheme, and that this progressive plan should be adopted, can you give the Committee any idea of its probable cost?
Your statistics are imperfect, and I can only give you an estimate based on the experience of England, and under the system of administration in England.

2470. Assuming the pay in Scotland, and other things, to be the same as in England, could you then give an idea of the probable cost?
In the counties in Scotland, according to Colonel Kinloch's last report, the police were 1,021; the ultimate number of pensioners, according to the old metropolitan scale, would be 532; out of the 1,000 men you would have above 500 ineffectives; that is, to every *two* effectives you would have *one* ineffective. That is how the metropolitan system would work out in 50 years; the pension fund is of this nature, that you first have no pensioners, then you have a few pensioners, and the number increases gradually until it attains the maximum; that is, it increases until the number of men who die off equals the number put on. I also found that the average pension in the metropolis was 31 *l.* 8 *s.* each to the officers and men; therefore the ultimate cost would be 16,705 *l.* a year; that you might consider the maximum. Only one man in seven entering the police gets a pension on this system. In the new scale as proposed one does not know the exact effect of it, but the general effect can be estimated in this way, that it protracts the time at which the men get the pension. Instead of there being 500, for instance, there would not be more than half the number, perhaps, on this plan which I submitted to the Secretary of State; that is, there would not be more than 250 pensioners to the 1,020 policemen. The expenditure at the same rate as in the metropolitan system would increase very slowly, and at the end of 50 years would probably not exceed 8,000 *l.* if the superannuation were administered on such a system.

2471. *Chairman.*] You say that 8,600 *l.* would be the amount ultimately given for pensions in the metropolitan force. How much given for wages and salaries altogether?
About 56,000 *l.* at the metropolitan rates when reported.

2472. Earl of *Airlie.*] Assuming your scheme to be carried out, the percentage of cost would be a little over 14 per cent. on pensions?
Yes, about that; 13 or 14 per cent.

2473. *Chairman.*] The number of persons pensioned depends upon the manner in which the system is administered; because under a strict medical supervision you may stop many persons retiring on account of infirmity, and on a loose medical supervision almost anybody may pass?
It is very difficult, but no doubt it might be done. The metropolitan system was administered, as you are aware, by the Commissioners, and a man was recommended for a pension first by the superintendent and then by the divisional surgeon. This recommendation was sent forward to the surgeon in chief,

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chief, a very able man, Sir John Fisher, and on his report the demand for the pension was sent on to the Secretary of State, and by him granted.

2474. Earl of *Airlie.*] Does this estimate include the probable cost of pensions to persons disabled by sickness after five years and up to 15 years' service, as well as to policemen who have served their time for 15 years; I see that is part of your scale?

It merely gives gratuities up to 15 years, and a month's pay for every completed year of service.

2475. Does the 8,000 *l.* include the list of gratuities?

Yes. The gratuities cost very little.

2476. Earl of *Camperdown.*] The plan of throwing off the burden upon the ratepayers would have this effect, that you could exact more stringent terms from the men as regards the conditions on which they get their superannuation, and you could require, for instance, longer service; if a man subscribed 2 per cent., or 2½ per cent. from his wages, he would naturally think that he had some sort of claim on the fund?

No doubt he would.

2477. Whereas, if the ratepayers pay the whole, they make their terms with him?

Yes, I think there is a great advantage in taking it entirely in your own hands and giving the man no claim, on the ground of having contributed merely 2½ per cent. of his pay.

2478. Earl of *Lauderdale.*] On the other hand, if a man paid a certain per-centage, would it not be an inducement to him to behave well; sometimes a good number of policemen are discharged for bad conduct, some disappear altogether and desert; if a man pays a per-centage into the fund, it is a check upon him, is it not, and he would not be so inclined to misbehave or desert?

I think you have the same hold on the men under the other system; that is the great advantage of the pension system, that in the first place you are able to reward meritorious services; secondly, you hold a sort of security or pledge of fidelity in your own hands, which you only give a man after his term of service is expired; you would have precisely the same hold upon the man if he were sure that, by misbehaviour, he would lose his pension, whether he had contributed to the pension fund or not.

2479. You say now that if they were discharged for bad conduct, or desert, they lose their pension?

They do.

2480. Earl of *Airlie.*] In the case of the metropolitan police, there was a deduction of 2½ per cent., which was invested in some way or other?

Yes, but it speedily disappeared; it accumulated for a certain number of years and then disappeared, and the difference had to be made up by the ratepayers and the Government. Our county police funds are in very nearly the same situation.

2481. Earl of *Camperdown.*] You say by the Government; does the Government contribute anything to the superannuation fund?

Yes, they pay one-fourth of the whole expense.

2482. Earl of *Airlie.*] Supposing your scale adopted, and no deduction made from the wages of the men, as you propose, do you think it would be better that an annual sum should be raised in excess of what is wanted in the first instance, and that sum invested; or, that you should wait, and meet the cases as they arise by an additional fund?

I think it is undesirable to raise a sum and invest it: you should wait and meet the cases as they arise; it is very difficult to say what you should deduct, and what you should invest. It is therefore better to leave it until the emergency arises.

2483. Besides that, probably the ratepayers, if the money is left in their pockets, would invest it more profitably than it can be invested for them?

Very likely so.

2484. *Chairman.*] You think that the deduction of small contributions from the pay of the men, and the foundation of funds which come to little or nothing, is objectionable?

Very objectionable. It has given great dissatisfation to the force in England. The ratepayers were not satisfied, and the Treasury, I know, were not satisfied The men, the ratepayers, and the Treasury were all led to expect that the deductions from the pay of the police would pay the pensions.

2485. Earl of *Camperdown.*] Though it turned out not to be so, the Treasury did not, in consequence, refuse to have anything to do with the superannuation fund?

There is a contribution from the Consolidated Fund towards the expenses of the Metropolitan Police Fund.

2486. In which the Superannuation Fund is included, I suppose?

Yes.

2487. *Chairman.*] Have not the difficulties which have arisen in the pensioning of the metropolitan force been created, in some measure, by the laxity of the medical examination?

I will not say laxity, because it is a very difficult subject to deal with. I had occasion to examine that question in connection with the Army, and it is found by experience that the pension should be administered by a board, and administered on documents. In the case of the police, the whole responsibility was thrown on one officer; and it was a very invidious duty for him to decide peremptorily that a man, who said he had some infirmity, had no infirmity. In some cases there is no difficulty in telling when a man does labour under some infirmity sufficient to entitle him to a pension; but in a great number of cases it is impossible to say whether a man has an infirmity or not. I have here a copy of the last Report of the Police Surgeon of the Metropolis, dated April 1868, containing a Table of the causes of medical unfitness in the 210 men recommended to the Home Office for pension or gratuity during the year 1867. Among these cases I find rheumatism, 46; a man says he has the lumbago or rheumatism, which utterly disables him from doing duty; in some cases you can easily decide whether he is so afflicted or not; in others, it is exceedingly difficult. Then there are phthisis, asthma, bronchitis, and disease of lungs, 40; there can be no difficulty in deciding upon such cases. Then, "long service and debility, 26 cases;" debility is a thing very difficult to decide on. "Injury (generally on duty)," 22; a man is decidedly entitled to pension then, and he ought to be pensioned if he has received the injury in the discharge of his duty. According to the English system the men are entitled to full pay in those cases, and justly so; but it gives rise to some difficulty, inasmuch as I recollect seeing a case where a man had a very severe blow on the back inflicted by a man he had taken into custody; he said that he was disabled by it, and that he could not stoop, walk, or stir; it was very difficult to decide whether he was so suffering or not. Similar cases are also said to arise in the army, but they are met by the authorities. There is no difficulty with practical men, generally, in deciding whether a case is genuine or not; particularly if they have the means of keeping the men under observation for some time.

2488. Earl of *Airlie.*] Do you think, by the system of superannuation, you offer greater inducements to enter the service, and get a more efficient class of men than you would by raising the pay, after a certain number of years' service?

I think the two systems should be adopted; that is, the raising the pay after a certain number of years' service, and a pension at the end of the term of service.

2489. That, of course, would be an additional cost to the ratepayers?

The graduation of the pay and the pension should be only just enough to pay the men for their services; but I think, in the interest of the ratepayers, it is a good way of paying them. The men in England do not take the pension much into account at first; but when they approach the term entitling them to a pension, they attach very great importance to it. I think the reason why they do not take the pension into account at first is, that it is very uncertain. If you say positively that after a certain number of years' service they shall be entitled to a pension, as you do in the army, the men will then reckon it from the first, and consider it as part of their pay.

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2490. *Chairman.*] Always supposing that it is subject to their being pronounced incapable, after examination?

I am supposing after a certain number of years' service, which I put at 33, that they should be entitled positively to a pension, even if they were not disabled.

2491. Earl of *Camperdown.*] Then you would have two classes of pensions, one if they are incapable, and the other a certain fixed number of years beyond that?

Yes; that is my plan.

2492. You would have them pensioned after 60 years of age, if incapable, or after a certain number of years' service?

That is the plan I proposed as regards our county police, that they should be entitled to a pension, and that the pension should be a certain proportion of their pay, and should depend on the number of years' service. As you want to retain the men in the service as long as they are efficient, you should induce them not to leave.

2493. *Chairman.*] You propose that they shall have the absolute right to retire at the end of a certain period, even though they be in sound health?

Yes; I think it would be in the interest of the service that they should be entitled, after a certain number of years, to a pension. General Cartwright suggests, that they should be entitled to claim a pension after 25 years' service; I see no valid objection to that proposal. There is this peculiarity about a policeman, that he may be called upon at any day to fight and encounter some of the roughest part of the population, and to incur danger to his life. That is well enough for a young strong man; but as a man advances in years, he ought to be able to exempt himself from the danger if he likes; therefore I would give him the option of retiring after 33 years' service.

2494. And what is the amount you would say that he should receive after 33 years' service?

Two-thirds of his pay.

2495. Therefore it would still be his advantage to stay in the service even after the 33 years, if he were still in good health?

He would continue to receive his pay, and he would take into consideration whether he was likely to get promoted; that is a great point with a constable, because he would get additional pay and additional pension if he were promoted into a higher class.

2496. Earl of *Airlie.*] As regards the question of being exposed to fighting, there is a considerable difference in the liability of the county police and the borough police; the borough police run much greater risk in that respect generally than the county police, do they not?

I think they do, except in the case of poachers; in Scotland you have salmon poaching; I do not know whether the police encounter any danger in reference to that.

2497. Earl of *Lauderdale.*] Have you any idea of the proportion of men that are fit for service in the police after they are 60 years of age?

I do not think that in England any of them serve after that age.

2498. Can you give the per-centage of the men who are fit for service at or after 60 years of age?

I do not think any of them serve in the police force in England after 60; many of the labouring population in England continue their pursuits after 60 years of age; but I do not think they would be worth much as policemen.

2499. There can be but little difficulty in finding out whether a man is fit or unfit for service when he comes to the age of 60; if there are none serving after 60, it must be pefectly clear that there are not many of them fit to serve after that age?

They are not fit, as a general rule, to do much police service then.

2500. They are not discharged generally, I suppose, until they are unfit for service?

In

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In England they have discharged them long before they were unserviceable; they have often discharged them at the age of 35 or 45 years, and the men have got better places elsewhere.

2501. Have they been discharged at their own request?
Yes: they have been allowed to leave the police force and get other work in which they obtained better wages than they got in the police.

2502. I alluded to the men who are discharged not at their own request, but discharged from the police as unserviceable?
Almost all who get pensions are discharged on the ground that they are unserviceable; the police has not existed long enough to test the system, but the number discharged at the age of 60 would be, under any circumstances, very small.

2503. *Chairman.*] You think the amount of rheumatism and small complaints would not be so great, if that system of yours of pensions after 15 years' service were adopted?
I am quite sure they would be more cautious than they are now in leaving the police, in order to get other employment. We propose to give them this pension for five years only, and not for life; it is in the hope of getting it for life, and getting other employment, that leads them to leave the police force at a time when they are really most efficient.

2504. In Scotland the number of police in each county varies very much?
It does.

2505. It might happen in one county that a number of persons were superannuated, and that the rates were much increased by it, whereas in another county the burden would be very much smaller; would you have a general system for the whole of the counties?
I think it by far the best course that superannuation should be administered by some general board which could be entrusted to administer it fairly.

2506. And you would have a medical board also?
Yes; leaving the administrative officer to decide the case on the reports furnished by the medical officers.

2507. Earl of *Camperdown.*] Some boroughs and counties might decline to belong to the general fund?
I think it would be best to pass, as in England, a general measure. The policy of granting pensions to policemen is so obvious that I think you might make it compulsory.

2508. *Chairman.*] But would you leave each separate county to supply the funds for the pensions of the county?
I think as they pay the men they should pension the men.

2509. Earl of *Camperdown.*] Do you think that if there was a general fund there might not be less care taken in individual cases in seeing who was and who was not fit for a pension?
Not if a county itself recommended a man for the pension in the first instance, and paid him afterwards.

2510. Earl of *Airlie.*] In England and in Scotland also the Treasury contribute one-fourth towards the wages of the police, does not it?
Yes.

2511. Supposing that to be the proportion, do you think it fair that it should contribute that proportion towards the pensions as well as the wages?
I should think so. The same principle should prevail all over Great Britain.

2512. Earl of *Lauderdale.*] Your plan for superannuation is much the same as that adopted in the army, is it not?
No, it differs. I will read what my plan for the counties was, if you will allow me:—For the first five years' service no gratuity; for five, and under 15 years, a gratuity equal to a month's pay for every completed year's service. I have kept as nearly as I could to the practice prevailing when I made the report. After 15 years' service a pension of 15-50ths of pay. Under the Metropolis Police Act it was at first 15-30ths. I proposed that the policeman should get 15-50ths of the

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pay, and that the proportion should move up to 32 years' service, when he would get 32-50ths, and in the end 33-50ths, which is nearly two-thirds, but that he should be entitled to this pension, which is a kind of gratuity, only for five years certain. The Commissioners should have the power of taking the length of service into account, and to have power to grant a pension for a term of 6, 7, 8, 9, 10, or 11 years' service, or for life in the case of any extraordinary merit or good conduct. I consider that would cover completely all the other cases of dismissal, through consumption or of actual disease. A man would have no inducement to run off with a pension at an early age in the hope of enjoying it all his life, and getting in addition, perhaps, a salary quite equal to what he got in the police. I adopted a short term of pension or gratuity to meet those cases, as I feel certain that under no system of administration could you entirely prevent cases of fraud where men run off with pensions at an early age. Then, after 33 years' service, they should be entitled to claim a pension for life, equal to two-thirds of their pay. That is briefly the plan I propose.

2513. *Chairman.*] Before he has served 33 years, he cannot, according to you, receive a pension even for five years unless he has gone through a medical examination?

No, he could not.

2514. But after 33 years' service they shall have no absolute right to retire?

Yes; General Cartwright, from his great knowledge and experience of police service, suggests that they should be entitled to retire with half-pay, that is, 25-50ths after 25 years' service, and I supplement my proposal by saying that I see no valid objection at all to that.

2515. Earl of *Airlie.*] Do you propose that after 15 years' service a policeman should be entitled to a pension of 15-50ths of his pay?

No, he should only get it if he were infirm, injured, or reported by the medical committee to be unable to serve, not that he should be entitled to it.

2516. At pages 14 and 15 of your recapitulation, I read "The men entering the force after the 1st of July 1866, to be entitled (*a*) to a gratuity in the case of disability, from sickness, after 5 and under 15 years of service; the gratuity to be equivalent to as many months' pay as they have completed years of service. (*a*) to pensions after 15 years completed service at the rate of 15-50ths of the pay receivable when the pension is granted." Now, as I read it, after 15 years' service a man is entitled to a pension equal to 15-50ths of his pay?

It is qualified by what is stated before; it is understood to refer in all cases to disability from sickness or infirmity.

2517. *Chairman.*] It refers also to cases of wounds?

Yes, wounds or injuries; I propose to give liberal pensions in cases of injury in actual service. At paragraph 4, I say, "For disabling injuries received at any time in the actual performance of duty, the pension to be for life, and not to exceed the pay in amount; these pensions to be granted after careful investigation, upon grounds fully set forth, and to bear a proportion to the resulting disability." That was the practice when I reported, and the only addition which I have made to it, is this, that the pension granted under those circumstances should bear a proportion to the resulting disability.

2518. Earl of *Airlie.*] After how many years' service do you propose that a policeman should be entitled to a pension?

After 33 years' service.

2519. General Cartwright proposes that he should be entitled to a pension after 25 years' service?

Yes, General Cartwright's proposition is, that he should claim 25-50ths, which is half-pay, after 25 years' service.

2520. Is a policeman receiving a pension disqualified from engaging in any other employment?

Not at all.

2521. Might not a man after 25 years' service claim his pension, although he might be in perfectly good health?

He might do so, as men in the army do; and his having a pension for having served in the police force, qualifies him for certain posts; but if a man enters at

25 years of age, which is the average age at which a man enters the police force in England, he would be 50 years of age after 25 years' service, or 58 after 33 years' service, and would not be able generally to get an appointment out of the police, unless he was a superior man.

2522. In the estimate you gave us of the probable cost just now, you said that a policeman should not be entitled to his pension until after 33 years' service; General Cartwright's calculation does not enter into your estimate of the cost?
No; I gave my statement as the best rough estimate I could give you in the absence of the statistics.

2523. *Chairman.*] Are the men precluded from going from one force to another in England?
They do go in certain cases.

2524. In that case they lose their pension, do they not, from the county from which they go?
One case happened in England, which is rather remarkable, that is, where a man got a good pension from the metropolis, in consequence of disability, and was afterwards made superintendent of one of the boroughs at a still higher salary.

2525. Supposing a man leaves one force and goes to another, is there any means by which he would not lose the claim to superannuation from the county which he left?
There is no regulation now in London; I think that is an important question; some regulation should be made to enable men, if they leave with the consent of the county, to count their service; that could be done under the general system of superannuation.

2526. Earl of *Camperdown.*] Which of the two counties would you make pay them the pension?
That would be a question of detail. I have thought of the subject, and I believe it is an important practical question. The men I think if they had served before in any police force, ought in some way or other to have that service taken into account. *Half of past service* may be reckoned in counties and boroughs, when men are promoted from one force to another, under 22 & 23 Vict. c. 32, s. 19. There is a point which I wish to mention to your Lordships: I see in the Report of Her Majesty's Inspector of Constabulary in Scotland, there is a note which I think is important, as the question has often been raised about the widows and families of policemen, particularly those who have been wounded or have died in the service. The inspector calls attention to Kincardine, where it is the practice to make the men insure their lives for 70 *l.*, that sum to be paid at their death, or on attaining the age of 55; and he gives an instance where it has afforded great relief. It appears that this provision was made by a premium of 2 *l.* 4 *s.* a year, half of which was paid by the county. I consider that a very excellent provision; and the only difficulty connected with it is in dealing with cases of dismissal. In the metropolis, there is a large number who serve for a certain time and are then dismissed, or are discharged, or leave for various reasons. I find that such is the case also in Scotland. Under the head of Lanarkshire, I see there is a force of 157; and there were 22 vacancies during the year, 3 deaths, 6 resignations, and 13 dismissals. If Government paid part of the insurance premium, and the men paid part of the insurance premium, I have been considering how such cases could be dealt with. There is a way of dealing with them; that is, what is paid is really accumulating, and you could either give it them back, or make any arrangement for their carrying on the insurance if they chose, at their own expense. That could be done; and I think it would be very desirable indeed, in considering the pension itself, to consider the question of a provision for the wives and families of the men. I do not know whether it could be made compulsory or not. By the English Act (22 & 23 Vict. c. 32), a widow may obtain a gratuity in amount not exceeding *one year's pay* of her husband dying in the service.

2527. Earl of *Airlie.*] Does the estimate of 14 per cent. include merely the cost of a superannuation fund; I see by No. 9 in your recapitulation, that you suggest that there should be a medical staff properly organised, and a surgeon in chief appointed for each county?

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That I was merely referring to as a means of providing medical attendance on the police; that is a very important subject. The medical staff is not in a satisfactory state in London or in the counties. It has nothing to do with the superannuation question, except incidentally; but having such a medical staff for attending on the police, I think it would be very desirable that they should be employed in deciding on those cases of superannuation.

2528. The medical staff would, of course, decide in those cases; and therefore I thought you might have included the cost of your medical staff in the 14 per cent.?

No; it is merely to pay the pensions. In the small counties in Scotland, you would not think it necessary to employ the same medical attendants as are employed in London, and the large cities in England.

2529. Would you make the appointment of a surgeon in chief compulsory upon each county?

No; I should leave that to their discretion.

2530. *Chairman.*] Would you not have a general surgeon in chief for the whole of Scotland?

Yes; I think it is very desirable. He should report, as the surgeon in chief does in the metropolis, and very much as the army surgeons do now. I think a great deal more efficiency could be maintained in the police by better medical arrangements.

The Witness is directed to withdraw.

MR. WILLIAM MORRISON, is called in; and Examined, as follows:

Mr. *W. Morrison.*

2531. *Chairman.*] You are Procurator Fiscal of the county of Fife?

I am.

2532. Is there more than one procurator fiscal in the county?

There is another in the western district of the county.

2533. The procurator fiscal is appointed by the sheriff, I believe?

He is.

2534. And he is dismissible by the sheriff?

Yes.

2535. A case of that sort hardly ever occurs?

I have not heard of such a case.

2536. Though the procurator fiscal is appointed by the sheriff, and liable to be dismissed by the sheriff, it is not correct, is it, to suppose that tne procurator fiscal is under the sheriff?

The Lord Advocate is head in the criminal department.

2537. The Lord Advocate is the chief prosecutor in Scotland, and under him he has deputies?

Yes.

2538. I ask the question whether a procurator fiscal is subject to the orders of the sheriff, because two or three of the witnesses have been under the impression that that is the case, and have talked of the procurator fiscal as being the sheriff's officer?

We hold ourselves to be the sheriff's officer, because we hold our appointment under him; but the discharge of the criminal duties is all directed by the Lord Advocate, with the exception of a class of cases, which is not put before the Lord Advocate at all; and in that class of crime we look to the sheriff for instructions when necessary.

2539. What class of crime is that?

The smaller offences tried under the summary procedure statutes, not reported to the Crown.

2540. In those cases you look to the sheriff for instruction?

When it becomes necessary to ask such instructions.

2541. The difference of duties between the procurator fiscal and the sheriff is, that the procurator fiscal is the prosecutor, and the sheriff is the judge?
Yes, my lord.

2542. To talk of the procurator fiscal as being the sheriff's right hand or representative is incorrect?
I am not in the practice of laying before the sheriff cases ordered by the Lord Advocate or his deputes to be tried before him. I put it first before the Crown and not before the sheriff, until it comes before him judicially. The procurator fiscal carries out the instructions of the sheriff.

2543. If the procurator fiscal finds it necessary to give instructions to the chief constable, from whom does the procurator's authority come in that case?
The police statute, your lordship is aware, appoints the constables to do the criminal duty, and the fiscal of his own motive employs the police constables, either through the chief constable or his deputy.

2544. In the Act to which you refer, the Police Act for Scotland, the sheriff is entitled to give lawful orders, but the words "procurator fiscal" do not occur in the Act?
No; but there is a code of regulations drawn up in each county, and approved of by the sheriff in terms of the statute.

2545. And all cases are reported by the constables to the procurator fiscal?
They should be, and they generally are. In my county they are regularly reported.

2546. And they are necessarily accompanied by a written and detailed statement, are they not?
Yes, they are.

2547. That is absolutely necessary, is it not?
In small offences it is absolutely necessary in order to avoid the expense of public investigations, but in the more serious cases the fiscal takes the matter into his own hand and himself examines the witnesses, that is, in cases to be reported to the Crown.

2548. The constables have to make out in writing statements of the cases in which they are employed?
They generally do.

2549. Do they not do it in the small cases?
It is in the small cases they do it.

2550. Take a case of this kind; a drunken squabble has arisen, and one man has hurt another seriously, and an assault is said to have been committed, then a constable has to get the details, and to lay it before the procurator fiscal?
He sees the injured party and takes a statement; he also sees some of the witnesses present, and takes a statement from them, and reports to the chief constable; upon that the procurator fiscal judges of the course to be followed in after proceedings.

2551. If two persons have been fighting, and they shake hands afterwards, they are nevertheless obliged to appear before the procurator fiscal, as it is an offence against the public, and they cannot make it up?
Yes; it is an offence against the public, and the parties cannot compromise the offence.

2552. When a slight case of assault has been reported to you by a constable, which you do not think a serious one, what is your course then?
If I find the information to be correct, I immediately prepare a criminal charge against the party, and bring it before the sheriff in the shape of a criminal prosecution; then I summon the witnesses referred to by the police and try the case at once before the sheriff.

2553. When a man is brought before you, is it at your option to discharge him, or must you take him before the sheriff?
I must take him before the sheriff.

2554. Earl of *Camperdown.*] You cannot drop the case?
When a party is apprehended and brought up on a criminal charge, it is irregular to dismiss him without bringing him before the sheriff.

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2555. *Chairman.*] It may be irregular, but is it sometimes done?
If it is sometimes done, it may expose the constable who took the party in charge to a question of damages. The procurator fiscal never does so.

2556. The procurator fiscal's duty is quite clear, under those circumstances, is it not?
Quite clear.

2557. When a man is brought before you and you examine witnesses, is that what is generally called a precognition?
Yes.

2558. Formerly, did not precognition mean something different from what it signifies now; was not a precognition, formerly, examination before a magistrate or a sheriff?
In former years the precognitions were generally taken before the sheriff's substitute.

2559. Then the precognition now, I understand, is an examination before the procurator fiscal?
By the procurator fiscal, either at the head quarters or the locality where the crime was committed; most frequently on the spot where the crime has been committed.

2560. But not before a magistrate?
Not before a magistrate.

2561. I find in a book to which I have referred, precognition defined in this way: An investigation made, at the instance of the procurator fiscal, before a magistrate?
That is laid down in the old law books, but practice has changed the system. The sheriff substitute's time is so much occupied that he cannot be present at the taking of precognitions.

2562. The result of the change and practice is that the procurator fiscal really does, to a certain degree, take the position of a magistrate?
He obtains a warrant from the sheriff to summon the witnesses to appear for examination; then he takes statements from these witnesses, but such statements although morally, are not legally binding on the parties who make them, as they are not made on oath; they form the recognition which is laid before the Crown, and guide the conduct of the criminal prosecution which afterwards takes place. A witness, when he is called upon to give evidence in the trial, after being put upon oath, is entitled, and has always been entitled, to say to the judge, "Before I answer any question I am entitled to have my previous statement cancelled.

2563. The procurator fiscal may dismiss a case at once, if he pleases, after hearing witnesses, or receiving a statement from the chief constable?
The procurator fiscal would not undertake such a responsibility without laying it either before the Crown or the sheriff.

2564. In some cases it never goes before the sheriff at all?
The cases sent before the Crown seldom go before the sheriff.

2565. When precognition has been taken, or evidence has been laid before the procurator fiscal, it does not always happen that the evidence is brought before the sheriff?
Those cases are sent to the Crown direct, and the sheriff never sees them until the case is brought before him on the occasion of the public trial.

2566. Those are the graver cases?
Yes; in the minor cases precognitions are very seldom taken; we generally trust to the officer's report?

2567. In practice, you do not receive many of the regular precognitions in small cases?
No, we do not.

2568. In that case a great deal of time and expense is saved?
Yes; it is a great saving of expense to the county, because in many of the smaller

smaller cases the expenses still form a legal charge against the counties, and it has been my practice to avoid incurring such expense to the counties.

2569. You trust to the constables doing their duty?
Generally in the smaller cases.

2570. Is it not the general instruction to the constables to report everything that occurs?
Yes; everything is reported.

2571. It is not necessary that you should examine into everything, is it?
We examine everything laid before us by the chief constable; our chief constable makes his report to me. I read over his report, and write on the back of it what is to be done. If nothing is to be done, I write upon the back "No Proceedings," and these are all put away in case of an after inquiry.

2572. In the case where you write "No Proceedings," the matter has not been brought before you at all?
No further than the police report.

2573. Is it not the case that when ' No Proceedings" is written upon a document, it means that proceedings may have been examined, and considerable expense incurred by the county?
When I speak of the reports sent by the police no expense has been incurred at all. If the police report justify the writing "No Proceedings," I do so, the matter is at an end. This is of daily occurrence; but instances do occur, when that writing is recalled: for instance, a theft has been committed; the party cannot fix suspicion upon any one; examination is made, and further evidence is got by the tracing of the stolen property, after which we open up the case. In the case of an assault, where one drunken man knocks down another; they do it alone, and there is no evidence to prove it; in that case I take upon myself to put it aside, on the ground that there is not evidence to prove the charge.

2574. And that is a great saving to the county, is it not?
Yes; and I exercise that discretion as strictly as possible, both for the ends of public justice, and for saving expense to the public.

2575. Are you entirely paid by salary, or partly by fees?
I am paid entirely by salary.

2576. Is that from the Exchequer?
Partly from the Exchequer and partly from the county; I was at one time paid for a portion of my duty by fees from the county. This was considered objectionable, and a salary was proposed, and agreed to.

2577. Why did you object to the fees?
At one time we were paid altogether by fees for our public duties, and at that time we were exposed to the charge of taking up cases and investigating them, at considerable expense, in order to make our accounts as large as we possibly could, so as to gain money by it; the system of payment by salary removes that objection.

2578. You do not think it introduces the other evil of making procurator fiscals too careless?
Not the least; I have never seen one instance of that, so far as I am concerned; and I know my brethren are equally accurate in dealing with their cases on that account.

2579. There is no compulsory power to compel a procurator fiscal to take a salary in lieu of fees?
The Treasury take it into their own hands, and fix the salary.

2580. They could not force you to take a salary instead of fees?
The Lord Advocate had the power, and I understood it was done with his consent.

2581. I do not know whether you have seen a statement from the convener of the commissioners of supply of Aberdeen, on the subject?
I have not seen it.

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2582. In his evidence he reads a part of a memorial sent by the commissioners of supply of Aberdeen, to the Secretary of State; it is there stated, that "as regards the fiscals themselves, the great drawback of the present system is, the doubt it tends to throw on their perfect disinterestedness in the discharge of the very important duties devolving upon them as public prosecutors, and the consequent necessary diminution of the respect due to the holders of so responsible an office. The present system is a direct temptation to the procurators fiscal to thwart the course of justice, and to abstain from reporting and carrying through the cases brought under their notice. A salaried fiscal has a strong inducement to stop short after making the preliminary investigations in a case, and not to report it to Crown counsel at all; as, if he reports the case, his services are held to be covered by his salary from the Crown, while, if he does not report it, he charges professional fees for such servicesagainst the county;" do you agree with that?

I cannot agree with it at all. The Treasury issued a Minute a number of years ago to the Exchequer of Scotland, defining what was to be charged against the Crown, and what was to be charged against the county; and what forms the charge against the counties is the merest trifle; the Treasury Minute authorizes payment of all expenses incurred under warrants. I do not know the circumstances which have led to the statement in regard to fiscal at Aberdeen, or whether he has exposed himself to that statement. The fiscal is so completely under the surveillance of the Lord Advocate and his deputes that it is impossible the circumstances referred to could occur.

2583. Earl of *Camperdown.*] Does your remark apply to unreported as well as reported cases?

It applies to both.

2584. *Chairman.*] Then it goes on, "In these your memorialists are of opinion that it would very materially further the interests of justice, as well as greatly improve the relations presently subsisting between the counties and the procurators fiscal, and place these officers on a footing much more satisfactory both to themselves and the public, than the very unfair one they at present occupy, if measures were adopted for leaving the remuneration of procurators fiscal paid entirely by the Crown, and the counties relieved from paying for services which they have no power either to exact or to dispense with?

There was a distinction in some counties. In some, the unreported cases were paid by fees; in others, by a salary. I myself was for a time paid partly by salary, and partly by fees; that was changed, and I am now paid entirely by salary from the Crown; it is possible that in Aberdeenshire that may not be carried into effect.

2585. In Aberdeenshire they are paid partly by salary and partly by fees?

That may account for it.

2586. In that case you would agree with what was said there?

I would not agree with this part of it, because in unreported cases, to a certain point, the Treasury pay them as well as reported cases.

2587. When there are no proceedings at all, and the case does not go any further, what is the practice?

Even then they do it; if a warrant has been taken, and the parties put under charge, what I understand as the expense that falls upon the counties, is the proceedings adopted by the procurator fiscal, which result in nothing, where no warrant has been issued.

2588. In those cases the counties pay?

Yes.

2589. But that is not the practice in the county of Fife?

No, I receive a salary from the county to cover that.

2590. And you think it much the best plan?

Decidedly; although I may add that there is an impression that the Crown should pay the whole, and that the county should be relieved altogether.

2591. When a police constable is employed, under certain circumstances, he keeps a memorandum of the time he is employed, the duties he is on, and the expense he has incurred, all of which is repaid to the county; is not that an objectionable system?

I rather think the counties prefer it; it is a source of considerable revenue to

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to the counties. I think the county of Fife receives nearly 300 *l.* a year from those fees; these are for criminal duties performed by the police under the instruction of the fiscal.

2592. I do no mean that the counties dislike receiving the money; but is not that an objectionable mode of proceeding; if a warrant is drafted by the sheriff, then the service of the constable in executing the warrant is taken into account, and the county is repaid from the Exchequer?
Yes, and an account is kept.

2593. Is there not a great inconvenience in making the constables keep an account?
It is additional labour.

2594. Would it not be better to have an additional allowance given to the counties instead?
Yes, if they could take the average of the fees just in the same manner as the fiscal fees were dealt with. The salary was struck upon an average of a certain number of years' fees; if the counties were to do this with the police charges, perhaps they might arrive at a fair remuneration for the duties performed.

2595. What do you consider to be your duty in the case of riot or fire; have you any instructions?
We have particular instructions from the Lord Advocate about that.

2596. If a fire arises what is your duty?
I immediately send the chief constable or some of his officers to the spot to inquire and report, and it depends upon the report what course I should take. Should there be grounds for suspecting that it is a wilful fire-raising, I proceed immediately to the spot, take a warrant from the sheriff, and examine any one that can be found to give such information as will trace out the incendiary.

2597. That is under positive instructions from the Lord Advocate?
That is part of the duty of the procurator fiscal.

2598. Is that under a recent instruction or is it of old date?
It is not recent, it is an old instruction.

2599. It has never been altered?
It has never been altered.

2600. Is it not the case that the same duty appertains to the chief constable, and that you and he might be inquiring into the same offence at the same time?
It is the duty of the chief constable and his officers to inquire into every crime, and it is also the duty of the procurator fiscal to do so in a different way; the inquiries are different. The police make the inquiry to detect the offenders, and to obtain information to be handed over to the fiscal. The fiscal is bound to do his duty with all dispatch, and, upon the information received by the police, he employs them to summon the witnesses or parties from whom they have received the information. The fiscal takes down in a formal way all he can get from the witnesses, including what the police officer has found out before; that is called a precognition.

2601. Would it not be much better to have either the procurator fiscal or the chief constable alone responsible for the whole inquiry?
The police are not trained to understand the law in such matters; therefore they could not be supposed to understand the points to be brought out in investigation. The Lord Advocate refuses to take from the procurators fiscal any report from a constable. We are entirely responsible for our investigations, and we are not allowed to forward any police reports to the Crown, because they are frequently incorrect.

2602. I do not mean that you should not receive the whole evidence, but would it not be better that you should allow the constabulary to work out the case at their own discretion, and give you what evidence they have to give?
I think it would be very objectionable, and in many cases it would defeat the ends of justice, because the police constables do not know what are the legal points to be brought out; they make the inquiries with a view to trace the offenders, and the moment they trace out the offenders, their duties are at an end.

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2603. Supposing a case of fire occurs, who is supposed to be at the head of the investigation?
The fiscal, under the warrant he takes from the sheriff.

2604. The procurator fiscal is, in fact, acting as a detective officer, and the constabulary work under him?
No, he is acting in a judicial capacity; the chief constable is the mere medium communicating information between his officers and the procurator fiscal.

2605. Earl of *Camperdown.*] Who gives the orders to the officers; does the procurator fiscal do so as well as the chief constable?
Much depends upon the manner in which the crime is committed; there are generally policemen stationed in the various districts, and when a crime is committed in a policeman's district, he goes and makes inquiry into it and reports it; it is after he reports to the fiscal, that the fiscal takes such steps as he thinks right.

2606. Supposing the procurator fiscal and the chief constable are both on the ground giving contrary orders, what would happen?
That is not at all likely.

2607. We have heard of one or two cases in which such a thing occurred?
I have not heard of any such case as that.

2608. One or two witnesses have said that the chief constable was placed in a very awkward position as regards his men, by the possibility of such a state of things occurring, because, although he was in authority, he had not absolute command of his men?
I should think that might be an inconvenience, but no such case has ever come under my notice.

2609. *Chairman.*] If there is a good understanding between the chief constable and the procurator fiscal such a case would not occur?
If the chief constable and the procurator fiscal worked in opposition to each other, that might occur, but that should not be; of course much depends upon the chief constable.

2610. Is there not something clashing in the two sets of duties in a case of that kind?
I have not found it so in my county; the chief constable and the fiscal work so harmoniously, that the one cannot do without the other.

2611. In the case of riot, what is the duty of the procurator fiscal?
In the case of riot it is a different thing. If there is a tumultuous riot, the sheriff must go to the spot. It is his duty to be there with a body of police, to be prepared to read the Riot Act.

2612. When the procurator fiscal proceeds to the spot where there is a riot, is it for the purpose of taking evidence?
Yes, but the sheriff must be there to enable the procurator fiscal to obtain from him a warrant to take into custody the parties engaged in the riot.

2613. Have you any recent instructions with regard to cases of sudden death?
We have a good many instructions from the Lord Advocate, and we have very special instructions about cases of sudden death.

2614. Are you in those cases obliged to proceed to the spot?
No; not where there is no suspicion.

2615. Earl of *Lauderdale.*] Whether there is suspicion or not, must you go?
There is discretion left to the procurator fiscal; he may go to the spot, or he may employ a medical man to inspect the body, and from his report judge whether a *post-mortem* examination is necessary; and if he thinks it to be necessary, he must go to the spot to investigate.

2616. *Chairman.*] He does not go unless there is some suspicion attaching to the case?
No; unless he has some information of suspicion.

2617. He does not trust to the constabulary, does he?
He trusts to them a great deal in those cases.

2618. Is it a matter of course that there should be an inquiry into cases of that kind?
The Lord Advocate's instructions are to that effect.

2619. Under the Scotch system of secrecy, the public do not know whether an inquiry has been made or not?
Not until the case is laid before the Crown; but after it is laid before the Crown, we do not make any secret of the result.

2620. If it comes to be a case of public inquiry, everything is known; but if it goes no further than the inquiry before the procurator fiscal, what is the case then?
We lay the proceedings before the Crown. In all cases of sudden death, where I take a precognition, I lay it before the Crown.

2621. The papers are strictly secret?
They are.

2622. The public knows nothing about it?
No, the public do not see the papers, but we do not take any means of preventing its being known; the evidence is taken in secret and is not made known.

2623. Are you in the habit of giving orders to the constables in Fife, without reference to the chief constable?
Unless under very special circumstances, I am not; I prefer to do it through the chief constable; I find it is always better done in that way; the chief constable's head quarters are just beside my own, and I can easily communicate with him.

2624. If you were to give orders, except through the chief constable, would it not be likely to lead you into collission with him?
If an officer received instructions from the fiscal and from the chief constable at the same time, he would not know whom to obey; if I find it necessary in the absence of the chief constable or his deputy, to send orders to the district constables, I should take the first opportunity of informing the chief constable that I had done so.

2625. Strictly speaking you have a right to give orders to the constables?
Yes.

2626. Has that been decided?
It has not been officially decided, but it is approved of by the sheriff; he approves of the regulations drawn up for the instruction of the police.

2627. I believe it is the habit of procurators fiscal to hold a number of other appointments as well as that of procurator fiscal?
I do not hold any other appointment; but I have instructions from the commissioners of supply to prosecute, in a certain class of cases, before the justices of the peace when necessary; the chief constable also prosecutes for statutory penalties.

2628. You are not clerk of the commissioners of supply?
No, he is a separate officer.

2629. Is not that office very commonly held by procurators fiscal?
I am not aware that it is, unless it be in an isolated county where the commissioners cannot get another person to hold the office.

2630. Do you think there is any objection to the office being held by procurators fiscal?
I do not think there could be any objection to the procurator fiscal holding the office of clerk to the commissioners of supply or the police committee.

2631. I ask the question because it is the rule that the chief constable is precluded by his appointment from having any other employment, and the sheriff's substitute is precluded in the same way; and I did not know whether the procurators fiscal were not under the same rule?

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I see no objection to their holding that office. It would not interfere with their other duties.

2632. Under the Police Act, the police exercise the duties of sheriff's officers when they receive an order to do so?
They are made sheriff's officers to execute the sheriff's writs.

2633. They cannot execute writs at the Justiciary Court?
That is because of the justiciary Statutes, which require that it should be done by the messenger-at-arms.

2634. Under Clause 14 of the Police Act, warrants and deliverances in criminal proceedings before the sheriff, justices, or magistrates, may be executed by constables; but that is not so with regard to the circuit courts?
I believe there has been a recent change. The sheriff's officer may summon witnesses and jurors to attend the assizes in Scotland, and he may serve criminal indictments; but no officer can serve warrants of the Court of Session except he be a messenger-at-arms.

2635. That is by the regulations of the Court of Session?
That is by the regulations of the Court of Session.

2636. Would it be desirable to alter that rule, so as to enable constables to perform those duties?
It would be better that they should not have such duties to perform. We think that, so far as the police are concerned, civil and criminal duties should not be mixed up.

The Witness is directed to withdraw.

Mr. JAMES STEVENSON is called in; and Examined, as follows:

Mr. *J. Stevenson.*

2637. *Chairman.*] I believe you are Procurator Fiscal of the county of Roxburgh?
I am.

2638. You have occupied that position for a great number of years?
Upwards of 40 years. The sheriff appointed my son joint fiscal with me within the last six years, in consequence of injuries which I have sustained.

2639. You received the injuries in the performance of your duty in a riot, did you not?
I did.

2640. These instructions and regulations for the guidance of procurators fiscal remain pretty much unchanged, are they not?
Yes; within the last 10 or 15 years, there have been additional instructions as regards sudden deaths, and accidents, which were not originally in our instructions.

2641. It is your duty to see everything in the shape of evidence, and decide as to whether you should take up the case and bring it before the sheriff?
That is so.

2642. And also, in certain cases, to send the evidence to the Crown counsel?
Yes; all serious cases are reported to the Crown.

2643. The duties and authority of procurators fiscal as regards constables under the new Police Act are not thoroughly defined in the Statute, I believe?
Perhaps not; but I never had any difficulty in working the Act until the last year or two.

2644. You consider, I imagine, that you have the right to give orders to the constables?
I do.

2645. There is no doubt about that, is there?
I never had any doubt about it, and I never heard it questioned until quite lately.

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2646. Do you conceive that you can give orders to the chief constable as well as to his subordinates?

That is rather a difficult question to answer; in the event of any crime having been committed I should consider it my duty to send to the chief constable to consult him and inquire whether he had heard anything of it, so that we might concert measures for an inquiry. I should certainly send to consult with him in the event of any serious offence occurring within the county.

2647. Having done that, would he give directions to the constables or call upon you to do so?

Probably I should tell him what I thought should be done, and I would expect him to carry out my instructions.

2648. I suppose you do not habitually give orders to the constables without passing those orders through the office of the chief constable?

No, as a rule all my instructions go through the police office; sometimes cases occur, when I think it necessary to communicate direct with the district constables to prevent delay.

2649. We have been told that, in a great many cases, you give orders to constables without passing them through the hands of the chief constable, or any subordinate officer?

I cannot say that I have done it in a great many cases, but I think I have a copy of my answer upon the subject, and if your Lordship thinks fit, I will read it, and explain it to the Committee. The letter to which I refer is dated Jedburgh, 4th April 1867, addressed by the chief constable to myself, "Dear Sir, —I find that you still continue the old practice of communicating your instruction in criminal cases directly to subordinate members of the police force. I have been at a great deal of trouble in bringing the force into a proper state of discipline, and as all are trained to look to me for their orders and instruction, this seeming division of authority is highly detrimental to discipline, and prejudicial to my position. I have, therefore, to request that in future you will be good enough to forward your wishes in all cases through my office. When this is done, I will take care that they are attended without any unnecessary delay."—Signed, Richard Boultbee. Then I answered the letter on the following day, the 5th of April 1867. "Dear Sir,—I have received your letter of yesterday, complaining of my communicating directly with your constables. The instructions which I have to give to the police in all criminal cases are invariably given through your office, unless I think it necessary for the ends of justice, in any particular case, to communicate directly with the district officer, which, I believe, has been done once or twice within the last three or four months, and which I shall continue to do when I think it necessary."

2650. You mean that all orders passed through the chief constable's office, except in cases of emergency?

Yes, exactly. This was a very urgent case; it was a case of murder. I received notice on the afternoon of the day before the indictment required to be executed, that two additional witnesses had turned up at Hawick, and I sent immediately a message to the district officer at Hawick to have these witnesses ready for examination the next morning before 8 o'clock at Hawick, in order that I might precognosce them, and forward their evidence to the Crown office by the 10 o'clock mail, so that the Crown counsel might receive it before they sent the indictment to Jedburgh that night.

2651. Was Mr. Boultbee absent at the time from Jedburgh?

No, I am not aware.

2652. Your office is in the same building as Mr. Boultbee's, is it not?

Yes; but both Mr. Boultbee and his deputy are very often absent; and I considered it necessary not to lose a moment of time in doing what I did.

2653. Although your room is almost contiguous to that of the chief constable, you did not think it necessary to communicate with him before giving the order?

If I had been satisfied that the message would have been sent direct by the chief constable, I would have communicated with him, but I received the information at home, I think.

2654. Earl

2654. Earl of *Lauderdale.*] The chief constable was not on the spot when you gave the order to the local officer?

I think I got the information communicated to me at my own house, in the evening.

2655. Earl of *Camperdown.*] Were you sure that the chief constable was not in his room?

I did not know. I was in my own house when I received the information; and I did not go from my own house to the police station to see if he was there.

2656. *Chairman.*] The chief constable, when he was here the other day, produced a bundle of papers which were orders from your office to his constables, which had not passed through his hands or through the hands of any of his superintendents?

Indeed I am not aware of that. It may be so; but it very often happens that witnesses are referred to, the post is just about to leave, and if I think it necessary to send to a district to have that witness brought immediately to Jedburgh, I might lose the opportunity if I went to seek for the chief constable. I generally communicate with the chief constable unless in urgent cases. Then I write to the constable of the district to send the witness to Jedburgh.

2657. Earl of *Camperdown.*] Your room is close by the chief constable's; you would not lose the post if you went into his room, or sent into his room; you would only lose two or three minutes' time?

Perhaps not. I had a tube for communicating with his office; but of late years something has been put against it, and now I have to send a clerk round a considerable way to the office, instead of speaking through the tube, as I used to do.

2658. *Chairman.*] It would not take more than half a minute to walk from your office to his, would it?

I should think it would take a minute fully.

2659. If the chief constable is absent, I suppose there is always some one in charge of the office?

Yes.

2660. So that there can be no difficulty in communicating the orders, except in cases of the greatest emergency?

No; it is only in cases of great emergency that I have done so; I have sometimes communicated my orders to the constables without their passing through the hands of the chief constable, and I was not aware until some time after he was appointed that he objected to the system.

2661. As a matter of fact, you hold that you have a perfect right to give these orders to the constables?

I think so; if I consider that the ends of justice require it, or that it is of importance that witnesses should be got, and no time lost, I communicate with the constables direct.

2662. Earl of *Lauderdale.*] From whom do you get the authority to give directions to the chief constable?

There are no particular instructions given; as soon as a case is put in the hands of a fiscal, it is his duty to complete the evidence as speedily as possible; of course, before the establishment of the police force we had sheriff's officers throughout the country, and the constables were never applied to to get the information which was wanted.

2663. Earl of *Camperdown.*] Whom do you consider responsible for the detection of crime?

We look to the chief constable to report all cases of crime to the fiscal.

2664. I suppose no one can be responsible who has not full power over those who are under him?

The chief constable has power over all his own men; but if any serious crime was committed, and it had not been reported to me, I do not think if I was called upon by the Lord Advocate to explain why delay had taken place, it would be a sufficient answer for me to say that I had no report of the case from the chief constable.

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2665. If that is so the chief constable is not responsible for the detection of crime?
I do not know that he is responsible; in many cases where crime has not been detected, and when on mentioning it to him, I find he has not heard of it.

2666. If a man has not full and sole power to act he cannot be made responsible?
The chief constable has full power to act.

2667. But not sole power?
No: if I hear of a crime having been committed, and I had no report from him, I would immediately inquire if he had heard anything of it, and if not direct, that inquiry should be immediately made into it.

2668. Still it is necessary to go to him, is it not?
Yes, I would certainly go to him.

2669. In these cases which you have been speaking of, you did not go to him?
No, because I was afraid of delay.

2670. A delay of one or two minutes?
It might be more, or it might be less; he is not always in his office, and his house is a long way from the office.

2671. Still you do not think it would be worth while to ascertain whether he was there or not?
No, not in the cases I refer to.

2672. *Chairman.*] And you did not leave a note to say what you had done?
No, I did not; sometimes it is done, and sometimes it is not done.

2673. Therefore, in fact, the constables may be absent, and under your orders, without the knowledge of their superior?
And the constable may be absent as well when my letter goes to him.

2674. He may be absent in consequence of your letter, without the chief constable knowing anything about it?
Yes, he may.

2675. Earl of *Camperdown.*] Then he might receive directly contradictory orders from you and the chief constable if you did not know what orders each of you had given?
If the chief constable gave the orders for him to go to a certain part of the district, and I was not aware of it, and if I gave him an order to go somewhere else to summon witnesses, of course there would be a conflict.

2676. That difficulty might be obviated by your sending to the chief constable's office?
As a rule I do so.

2677. *Chairman.*] We heard the other day something about a fire that occurred in Roxburghshire, and there was a simultaneous inquiry made into it, or some clashing of authority between yourself and the chief constable?
No, I do not think there was any clashing of authority; the same farmstead was set on fire within a month three or four different times, and I think on the second occasion the farmer sent direct to me to say that his place had been fired again, and I went over immediately myself to see if I could trace anything; but there was no collision with the chief constable.

2678. Are you bound under your instructions from the Lord Advocate to go over in person and institute an inquiry?
Yes, if suspicious circumstances have occurred.

2679. And in that way you act the part generally taken by the detective officers and policemen?
It is necessary that some cases should be carefully gone into; and therefore I go myself.

2680. As the law stands now, the procurators fiscal in case of fire is obliged to go in person to make an investigation, while at the same time the constabulary is making its inquiries?

Yes;

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Yes; but in most cases the fiscal would consult the chief constable about it; I think in some of these cases I spoke to the chief constable about the fire; there were more than one or two took place at the time.

2681. Did you tell the chief constable on that occasion what your instructions were?
It is probable I would, but I do not recollect; I do not know whether some of his men went or whether I went.

2682. Is not it very prejudicial to justice that such a thing should be possible?
No, I should think not; because if I were there, along with his men, his men would be very ready to do anything which I suggested to them to detect the crime?

2683. Earl of *Camperdown.*] Is it not possible that the chief constable may have given them instructions himself?
Our instructions to the men ought surely to be the same, seeing that we are both appointed for the detection of crime.

2684. But if you had not previously spoken together, or had some communication, is it not very natural that you might give different instructions?
I do not know; I do not think it is very likely.

2685. It is not very probable that you would give the same instructions?
They would all tend to the same end, or at least ought to do so.

2686. But you could only expect an individual constable to do exactly what he is told; it is not probable that you would suggest the very same thing on the spot as the chief constable, or *vice versâ*?
Very likely not; but being upon the spot, I think one would have a much better opportunity of seeing what would probably lead to the detection of the crime than a person not upon the spot.

2687. Would it not be well, under all circumstances, to communicate with the chief constable before you leave?
I often do so.

2688. Did you do so in this one case?
I do not know whether I did in this case; there were three or four fires at the same place, and I am sure I consulted him on some of them. I know that, on one occasion, I went myself.

2689. *Chairman.*] Is it not the case that, with a view to detection, it would be much better that the procurator fiscal should not go near the spot doing what the detective officers have to do?
I do not know; I used to go long before there were any detective officers.

2690. Was not this old habit of yours acquired under a totally different police system than that established under the law of 1857?
Both tend to lead to the same result.

2691. Earl of *Camperdown.*] Unfortunately they do not lead to the same result?
I am not aware that justice has miscarried from my interference.

2692. The police constables are in this unfortunate position; there seems to have been a sort of contradiction of order in some way in one or two cases that we have heard of?
I am not aware of it.

2693. Do you think, with a view to the detection of crime, that it is better that the responsibility should rest with one head person?
I think it should rest with one person.

2694. At present it rests with two, does it not?
I am answerable to the Lord Advocate and the sheriff.

2695. I am not saying anything to blame your action, but I wish to inquire into the system; the Lord Advocate directs the procurator fiscal, and at the same time the constabulary are apparently under a different authority?
Apparently they are.

2696. Would

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2696. Would it not be better to make the office of procurator fiscal and chief constable one?

I have heard that suggested, but I do not know that I can give an opinion upon it.

2697. It would be very difficult, would it not, to carry out that scheme?

The procurator fiscal could not undertake the charge of the police force, and attend to his own duties, I think.

2698. I think you derive your authority entirely from the Lord Advocate in a case of that kind?

I do.

2699. And not from the sheriff at all?

No; all the chief constables that I have had to do with before the present one, invariably came to consult me when a crime was committed.

2700. Earl of *Camperdown*.] How would it be if you were first informed of the crime?

Then I generally send notice to the police office.

2701. If they always came to you, would it not be natural for you always to go to them?

I would not stand upon punctilio so much; if I heard of a crime I would not wait until a chief constable came, but I would acquaint him with what I heard, and an inquiry should forthwith be made.

2702. *Chairman*.] You admit there is some awkwardness now in the relations between the chief constable and the procurator fiscal, under the present law?

That has occurred in the case I mention.

2703. Is there any suggestion that you could make to render this clashing of authority less probable?

I think that the chief constable's power should be defined more distinctly, and that he should be placed directly under the charge of the sheriff, who is the head of the police of the county.

2704. You look upon the sheriff as the head of the police?

I do.

2705. Did you look upon him as the head of the police before the Police Act, when the constables were appointed by the justices?

Yes; they were all the sheriff's officers.

2706. When there were two constables in each parish appointed by the justices, the justices had considerable power over those constables?

I do not know; the sheriff is also a justice of the peace, and therefore he, as well as the justices, could direct the constables.

2707. But these old constables were appointed entirely by the justices of the peace?

They were.

2708. They were a great deal more under the justices of the peace than the present constables are?

Yes, but at the same time the sheriff had power not only to appoint them, but also to swear in special constables for any emergency.

2709. In what sense would you define the authority of a chief constable, to make him more completely subject to the orders of the sheriff?

I think he ought to be under the sheriff.

2710. You think the sheriff might delegate his power to the procurator fiscal?

Yes, as the person through whom his orders should be carried out.

2711. Do you look upon a procurator fiscal as, in some sense, the sheriff's agent?

The procurator fiscal looks to the Lord Advocate, and is amenable to his lordship for the discharge of his duties; yet as the sheriff is the head of the police of his county, I think the procurator fiscal would not, without conferring with the sheriff, be justified in taking steps.

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2712. You think that the sheriff ought to have full power to enable the procurator fiscal to give orders to the chief constable, and constables?

Yes, I think he ought.

2713. Earl of *Camperdown.*] Then what is the position of the chief constable with reference to his men?

I would let the chief constable have full charge of his men.

2714. And at the same time you would give the procurator fiscal power to give orders to the chief constable's men?

As a rule, the orders would come from the procurator fiscal to the chief constable; but if cases occur requiring despatch, it might be requisite to communicate directly to the constable on the spot.

2715. If the rooms are contiguous, and under the same building, surely very little time would be lost in going to the chief constable's office?

Yes; if I were sitting in my own room and heard of any crime, it would be different.

2716. I am not speaking of your room, but of rooms in general?

I think it the duty of the fiscal if he heard of any crime, to send immediately and let the chief constable know, and inquire if he had heard anything of it.

2717. If the chief constable is only an inferior officer of the fiscal, who is an inferior officer of the sheriff, how could you attach any responsibility to the chief constable?

If his duties were defined, I do not see that any difficulty would arise. It is his business to detect crime, as well as the fiscal's.

2718. Earl of *Lauderdale.*] Is it not the chief constable's duty to detect all crime in his county?

It is.

2719. And is it not the business of the procurator fiscal to prosecute and bring to trial those who commit crime?

That is the fiscal's duty; and very seldom any difficulty arises, because, if a crime is committed, the constables bring in the prisoner, or report what has occurred, and it is laid before the fiscal, and he issues the sheriff's warrant for his apprehension directly, and there is no difficulty in the case.

2720. *Chairman.*] Then according to your suggestion, you would add very considerably to the authority of the procurator fiscal as regards the constables?

I do not wish to have any authority over the constables at all; but I should say, in certain cases, if I considered it essential to the ends of justice, that I should communicate with them, and have the power to issue instructions.

2721. Earl of *Camperdown.*] But that is adding to the procurator fiscal's authority?

The procurator fiscal with the sheriff's authority, might at this moment engage a constable of his own, and conduct his inquiries without going near the chief constable.

2722. *Chairman.*] He may have a criminal officer independent of the police?

Yes; I had a criminal officer in my office 20 years; and it was only on his death, and on the police force being established, that the police were employed.

2723. In case you had a criminal officer, and an offence had been committed, it would be in your undisputed power to send that man down to make any inquiries you thought requisite?

It would.

2724. And it would also be within the power of the chief constable, and it would be even his duty, to send down a man to make inquiry for him?

Yes, it would.

2725. And there would be an absolute collision?

Yes; in one sense, only the fiscal would have the benefit of his own inquiries, as well as of that reported by the police.

2726. Does not it bring out the want of harmony which exists between the two systems?

I think the chief constable's duty is at an end so soon as he reports the case to to the fiscal. He has nothing to do with getting up the evidence; if he hears of evidence, he should report it to the fiscal; but it is the duty of the fiscal to investigate it, and make out his case.

2727. If they are acting in the capacity of criminal officers, they are subject entirely to the authority of the procurator fiscal?
Yes, they are.

2728. The constables are obliged to report all cases, whether large or small, to the procurator fiscal?
I believe they should do it; but I do not know that it is done; I know that some cases have not been reported, but I have taken no notice of the fact.

2729. It is their duty to report all cases?
It is part of the instruction of the Secretary of State to the chief constable, that he should report all cases to the procurator fiscal.

2730. And when a case is reported to the procurator fiscal, it is his duty to institute inquiries and have witnesses before him if necessary, and precognosce them?
It is.

2731. Does it not entail considerable expense upon counties in cases where some trifling offence has been committed?
In such cases the public is very seldom put to the expense of bringing witnesses; at the same time I cannot always depend upon the reports of the police; there is an instance of that within the last few weeks; a farm servant quarrelled with his master and stabbed one of his horses; the horse was killed on the spot; the police sent a report and stated that this happened, and said in the report that the horse was stabbed on the right leg, and died; that seemed a simple case; the witnesses were brought up, and the man was tried, and when the witnesses came to be examined, it appeared it was the left leg, and the man was let off.

2732. That was because the police report was wrong?
Yes; there was no precognition in that case.

2733. That shows that the police ought to be educated men, and instructed as to the manner in which they should write down their evidence?
Yes; but it is hardly to be expected from men, many of whom have had no experience when they are brought into the force; it is said no man can understand his duties under four or five months' training, and we have them very often sent away in a couple of weeks to take charge of a district; there is an advantage in the fiscal having an officer of his own, because he is trained to his duties.

2734. In point of fact, the constables ought not to be doing the duties of the fiscals in getting up elaborate reports?
They seldom think of making elaborate reports in criminal cases, because they know that the fiscal must examine the witnesses himself.

2735. In the case of a horse being stabbed in the neck, is it not the duty of the constable to make a full statement in writing?
It is.

2736. And they all do so?
They do.

2737. In the case you have just mentioned, the man made a mistake in saying that this was done on the right side instead of the left?
Yes.

2738. This evidence about the horse was sent to you, and then it became your duty to take the precognition?
It became my duty to bring the person to trial; and there was so little in it that he was brought up without incurring the expenses of bringing up the witnesses for precognition.

2739. There is a considerable number of cases which come before you, which are headed "no proceedings" in the returns; those are cases in which you find the evidence insufficient?
Yes, such cases as have not been prosecuted at all; trifling cases, where drunken

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drunken people quarrel or commit a breach of the peace, in which it is very difficult to say who is to blame in the matter. These cases are disposed of without bringing either the one or the other to trial.

2740. They are not brought up at all?
No, not to trial.

2741. In a great many cases they are brought up?
They are for preliminary investigation.

2742. And in many cases nothing takes place, because you think the evidence entirely insufficient?
If the evidence is insufficient, the party is never committed to prison.

2743. The fiscal has power to drop cases, and not to carry them further?
Yes; that is to say, he acts according to his judgment in disposing of cases; if he thinks the evidence is likely to convict a man, it is his duty to have him committed for trial; if there is not sufficient evidence to ask for his committal, he is set at large. In doubtful cases the sheriff is previously consulted.

2744. Earl of *Camperdown.*] In that case might not the chief constable be liable to an action for damages for libel or for false imprisonment?
No; you must prove malice before you can bring actions for damages. Unless the party could prove that it was done maliciously, he would not succeed in an action.

2745. *Chairman.*] A man is not set at large at the discretion of the procurator fiscal after being apprehended on a warrant?
He may be set at large. A prisoner may be apprehended upon a charge and be brought up before the sheriff. The first thing that takes place is this: the man is told the charge against him, and that he is at perfect liberty to answer any questions or not as he thinks proper; having got this caution the fiscal then questions him as to his knowledge of the crime, and his guilt; and if it appears from his statement that there is doubt of his guilt, and if the fiscal has no witnesses to substantiate his guilt, the man is discharged. This all takes place before the sheriff. The sheriff must be present when a person is examined, in all cases.

2746. When a person is tried it is held to be in open court?
Yes, always.

2747. In what court are the summary cases brought before the sheriff?
In all cases parties are cited to the Court House; occasionally when persons charged with trifling offences, are brought up by the police, and desire to plead guilty; they are ordered into the sheriff clerk's office; the charge is read over to them, and they are told that they can plead guilty, or have the trial postponed for 48 hours if they choose. If they wish a postponement, it is done; if they wish the case disposed of at the instant, the sheriff passes sentence upon them, and the case is finished.

2748. Earl of *Lauderdale.*] It is the sheriff's substitute who generally does it?
Yes, the sheriff's substitute.

2749. *Chairman.*] The procurator fiscal of Roxburghshire is paid entirely by salary, is he not?
He has a salary from the Crown for all Crown business, and he has a salary from the county for all county business.

2750. Earl of *Camperdown.*] How long has the procurator fiscal been paid by salary and not by fines in Roxburghshire?
Twenty or 25 years by salary.

2751. Do you know what the salary is computed?
An average of so many years. I have a distinct recollection of that, because my account as fiscal increased very much. The county, many years ago, thought my account was extravagant; and it was proposed by the Honourable John Elliot, the Member for the county, that something should be done. I said I would be willing to take an average of five years, and it amounted to 250 *l.*
It

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It was thought a large sum, and I agreed to accept of 200 *l.*, without keeping any accounts, and that salary of 200 *l.* continued till within the last five or six years, when the Lords of the Treasury made an alteration in the rules by which they paid certain of these cases themselves, and then my salary was reduced to 55 *l.* from the county.

2752. That was an enormous reduction?
Yes; but then the cases were charged to the Crown. I must explain that before the Treasury order came out, the sheriff might try any number of cases, but the Crown would only pay the expenses of those which were reported to the Crown office. The consequence was, that there were heavy charges against the counties. The Lords of the Treasury upon a representation from some of the counties, agreed to pay the expenses in all cases where the party was committed for trial; and the Crown allowed me 180 *l.*, in addition to my other salary, including those cases.

2753. *Chairman.*] You had in fact 410 *l.* for reported cases from the Crown, and 180 *l.* for unreported cases last year?
It is all in one sum now, namely, 490 *l.*

2754. And from the county you have a salary of 55 *l.*?
That is so.

2755. For what class of cases is that salary of 55 *l.* from the county supposed to be?
For all the summary cases disposed of without taking precognitions; and all the cases, however serious they may be where precognitions are taken, if they do not result in sufficient evidence to commit the parties to prison.

2756. It is to cover cases which are classed under the head "No Proceedings?"
Yes.

2757. It is not for cases brought to trial?
It is not.

2758. It is simply for cases in which the evidence is insufficient?
It is.

2759. I understood you to include the cases which were brought summarily to trial?
Where a person is convicted, the Crown pays the expense.

2760. Is the 55 *l.* intended to be for services, in reference partly to those cases which are summarily disposed of by the sheriff?
No; the cases upon which the sheriff adjudicates are included in the Crown salary, the cases where there are "No Proceedings;" and the cases which result in no committal are paid for and included in the 55 *l.*

2761. Does it comprehend the charges under statutes recently passed in cases of lunacy, poaching, and prevention of the cattle plague?
Those charges are paid for extra.

2762. The 55 *l.* does not include the whole of the county payment to the procurator fiscal?
No.

2763. Are the charges for inquiry into cases of sudden death paid by the county or by the Crown?
If they are reported to the Crown, the Crown pays for them.

2764. In the statement of the salary from the Exchequer and the county, are the charges for those inquiries included?
They are.

2765. Earl of *Lauderdale.*] That is, if there are no proceedings; but if there are proceedings, and trial results in cases of sudden death, the charges are paid by the Crown?
The rule generally is, if a serious accident occurs, where people are killed, or where a dead body is found, the fiscal is required to go to the spot, and if he thinks it necessary, he employs a medical man to make a report as to the cause of

Mr. J. Stevenson.

22nd June 1868.

of death. He then reports that for the information of the Crown authorities; but if he goes to the spot and finds that there is no doubt as to the circumstances connected with the man's death, it is not necessary to employ a medical man; no inquiry follows; the expense for cases of that kind is included in the salary of 55 *l.*

2766. *Chairman.*] Supposing there are any extra expenses, like the hiring of a carriage, by whom is that to be paid?
By the county.

2767. If carriages have been hired in order to make the investigation, and an investigation was made, and it was a case of a serious nature, by whom would that expense be paid?
By the Crown.

The Witness is directed to withdraw.

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APPENDIX A.

Appendix A.

PAPERS handed in by Mr. *G. H. List,* 10 July 1868.

TABLES concerning EAST LOTHIAN and BERWICKSHIRE POLICE.

AUTHORISED STRENGTH.

Designation.	East Lothian Police.	Berwickshire Police.	Tweed Police.	Extra Constables to enforce Game Laws.	TOTAL.
Chief Constabl - - - -	1	–	–	–	1
Superintendents - - - -	1	1	–	–	2
Inspectors - - - - -	–	1	1	–	2
Serjeants - - - - -	3	3	2	–	8
Detectives - - - - -	1	1	–	–	2
Constables - - - - -	20	16	–	6	42
Constables (Bailiffs) - - -	–	–	18	–	18
TOTAL - - -	26	22	21	6	75

OFFICERS and CONSTABLES promoted to other Service, &c.

Promoted as	East Lothian Police.	Berwickshire Police.	TOTAL.
Chief Constables - - - - - - -	2	–	2
Superintendents of Police - - - - - -	2	1	3
Governor of Prisons - - - - - - -	1	1	2
Railway Inspectors - - - - - - -	5	2	7
„ Stations Agents - - - - - -	3	–	3
„ Coal Agents - - - - - - -	1	2	3
Innkeepers - - - - - - - - -	2	1	3
TOTAL - - - -	16	7	23

LENGTH of SERVICE.

Length of Service.	East Lothian Police.	Berwickshire Police.	TOTAL.
12 and under 13 years - - - - - - -	1	–	1
10 „ 11 „ - - - - - - -	1	–	1
9 „ 10 „ - - - - - - -	–	1	1
8 „ 9 „ - - - - - - -	1	3	4
7 „ 8 „ - - - - - - -	1	1	2
6 „ 7 „ - - - - - - -	1	2	3
5 „ 6 „ - - - - - - -	2	3	5
4 „ 5 „ - - - - - -	1	1	2
3 „ 4 „ - - - - - - -	4	–	4
2 „ 3 „ - - - - - - -	5	3	8
1 „ 2 „ - - - - - - -	4	6	10
Under 1 „ - - - - - - -	4	2	6
TOTAL - - -	25	22	47

APPENDIX B.

MEMORANDUM by the MAGISTRATES of the Burgh of *Galashiels*.

To the Right Honourable the Earl of *Minto*, Chairman of the Select Committee of the House of Lords on Scotch Police matters.

IN compliance with the invitation of the noble Chairman, the magistrates of Galashiels beg to offer the following observations on the above subject.

I. They are of opinion that it would tend to draw a better class of men to the constabularies of Scotland were superannuation allowances provided to members of the police force, after having served in it for a lengthened period. It is thought that this proposal, if carried out, would be calculated to increase the number of high class men.

II. With regard to the inquiry, as to whether the existence of separate police establishments for the smaller towns is useful or the reverse, the magistrates beg to state that, speaking for Galashiels, which has a population of between 9,000 and 10,000, and which is rapidly increasing, it is thought the interests of the inhabitants are best served by the maintenance of their own police as at present. The force as now existing hold office direct from the magistrates for the time, is subject to their orders, and liable to be censured or dismissed at their pleasure should that be considered necessary; while on the other hand if the rural and burgh police were consolidated under one superintendent, the magistrates would not have the same control, and the townspeople would probably be jealous that the police were devoting more attention to certain duties in the rural districts or *vice versâ*. Colonel Kinloch, on more than one occasion, when inspecting the burgh police, has recommended the magistrates and Commissioners of Police to amalgamate with the county. The magistrates and their predecessors in office have frequently given the subject their best consideration, but the only advantage which they could see in amalgamating was that, in the event of any riot or other serious disturbance, the magistrates would be entitled to call for additional assistance from the county to meet the emergency. Doubtless that would be of much importance, but it appears to the magistrates that the law ought to be amended on this point, so that in the event of any such disturbance occurring in a town or county, the authorities therein should have power to call upon the nearest police force to render their assistance, and that although the forces are separate and distinct, the town or county requiring such assistance being bound to pay a reasonable allowance therefor.

III. As to the employment of the police in the preservation of fish, with this the magistrates have had little comparatively to do, further than see that their police, in the course of their ordinary duty of preventing crime and the commission of statutory offences, reported all offences under the Tweed Fisheries Act which came under their observation; at the same time the magistrates have to state that they consider it no part of the duty of their police to watch closely the River Gala, in so far as within the boundaries of the burgh to the neglect of their other duties. The Tweed Commissioners do not give the magistrates of Galashiels an allowance for the services of their police to justify the magistrates in watching the Gala otherwise than what is being done, nor are they aware that a different course is followed in other towns, where the police are not subsidised by the Tweed Commissioners.

The magistrates have merely to add, that in the event of its being wished, one of their number is prepared to give evidence before the Committee.

Burgh Buildings, Galashiels,
16 June 1868.

Wm. Haldane,
Chief Magistrate.

The Number of Persons Apprehended by the Police and the Percentage of such Persons who reside in Burghs situated in the County that maintain a separate Police Force.

Year.	Total Number of Persons Apprehended.	Percentage of Persons Apprehended residing in the Burghs of Hawick, Galashiels, and Kelso, inclusive.
March 1865–66 - -	389	19· per cent.
„ 1866–67 - -	603	25·8 per cent.
„ 1867–68 - -	456	30·8 per cent.

Appendix C.

Appendix C.

SCOTLAND.

RULES made by the Right Hon. Sir *George Grey*, Bart., one of Her Majesty's Principal Secretaries of State, pursuant to the 3rd section of the 20 and 21 Vict. c. 72, for Establishing an Uniform System for the GOVERNMENT, PAY, CLOTHING, ACCOUTREMENTS, and NECESSARIES for CONSTABLES appointed under that Act.

Whitehall, 1 June 1866.

QUALIFICATIONS.

CHIEF CONSTABLE.

HIS age, except he is promoted or transferred from another office in the police, or under other special circumstances to be approved of by the Secretary of State, must not exceed 45 years.

He must be certified by a medical practitioner to be in good health, and of sound constitution, and fitted to perform the duties of the office.

He must be recommended to the Secretary of State by the police committee, in whom the appointment is vested, as a person of good character and qualifications.

SUPERINTENDENT OR INSPECTOR.

His age must not exceed 40 years, and he must be not less than 5 ft. 7 in. high, without his shoes, except he is promoted or transferred from another office in the police, or under other special circumstances to be approved of by the Secretary of State, on the recommendation of the chief constable, concurred in by two members of the police committee.

He must be a man of good character and general intelligence, able to read and write well, and to keep accounts.

He must be certified by a medical practitioner to be in good health, of sound constitution, and fitted to perform the duties of the office.

SERJEANT OR CONSTABLE.

His age must not exceed 35 years, and he must be not less than 5 ft. 7 in. high, without his shoes, subject to the same exception as in the case of superintendent or inspector.

He must be able to read and write, intelligent and active, and of good character and connections; and must be certified by a medical practitioner to be in good health, of a sound constitution, and fitted to perform the duties of the office.

If a candidate for any of the above offices has been previously employed in any branch of the public service, civil or military, he shall not be eligible for appointment, unless he produces satisfactory testimonials of his conduct in such service; and a person who has been *dismissed* from any police force shall not be eligible for appointment in any other police force.

No person shall be appointed or retained in any of the preceding offices, who shall hold any other office or employment for hire or gain, or who shall sell or have any interest in the sale of any beer, wine, or spirituous liquors.

When vacancies occur in the office of superintendent, inspector, or serjeant, it is desirable that encouragement should be given to meritorious men serving in the subordinate stations, by their promotion to the higher stations when they are qualified.

PAY.

The following rates of pay are intended to be exclusive of any expenses of office, stationery, travelling on duty, or purchase of a horse, cart, or forage, for which separate provision or allowances should be made.

The chief constable's pay is to be at the following rate, viz.—

When at the last census, the population of any county or adjoining counties, or parts of counties, for which, under section 4, a chief constable is appointed to serve, amounted to 80,000 (exclusive of burghs maintaining a separate police force), not less than 250*l.* a year, or more than 500*l.* a year.

When such population was under 80,000, and above 40,000, not less than 200*l.* a year, or more than 400*l.* a year.

When

When such population was under 40,000, not less than 150*l.* a year, or more than 300*l.* a year.

But in any case where the population of a county, as defined above, does not exceed 20,000, and it has not been found practicable to make a joint appointment of a chief constable with some adjoining county, the salary of the chief constable may, with the approval of the Secretary of State on sufficient grounds being submitted to him by the commissioners of supply, be fixed at a less amount than 150*l.* a year

The apportionment of the chief constable's pay, when he is appointed for more than one county, or part of a county, will be arranged by mutual agreement between the commissioners of supply of the counties for which he acts.

The superintendent's pay is to be not less than 4*s.* 5*d.*, or more than 8*s.* 10*d.* a day.

The inspector's pay is to be not less than 3*s.* 11*d.* or more than 6*s.* 7*d.* a day.

The weekly pay of the serjeant is to be not less than 3*s.* 4*d.* or more than 3*s.* 11*d.* a day.

The weekly pay of the constable is to be not less than 2*s.* 6*d.*, or more than 3*s.* 4*d.* a day.

Constables are not to receive to their own use any *fees*, which, by the 16th section of the 20 & 21 Vict. c. 72, are to be paid to the clerk of supply of the county; but the above rates of pay are intended to be exclusive of any allowance under the 27th section of the above Act.

CLOTHING.

Superintendents, inspectors, serjeants, and constables are to be supplied with the following articles in addition to their pay. viz.:—

Annually.

One coat with badge.

Two pairs of trowsers.

One pair of boots, and one pair of shoes, or in lieu thereof, a payment of not less than 6 *d.* a week.

One helmet or hat, or, if the commissioners of supply think fit, one helmet or hat every second year, with one forage cap every year.

Biennially.

One great coat and badge.

When required, but not more frequently than once in every three years,

One cape and one pair of leggings.

ACCOUTREMENTS AND NECESSARIES.

A constable's staff and a pair of handcuffs are to be supplied to each constable. A small cutlass may be supplied to any constable whose beat is so situated that, in the opinion of the sheriff, or of two members of the police committee of the county, it is necessary for his personal protection in the performance of his duty. The cutlass is to be worn at night only, or at times when rioting or serious public disturbance has actually taken place or is apprehended; or upon any sudden emergency when orders have been given by the chief constable that one or more of the constables should be so armed; and the chief constable shall, on each occasion of giving any such order, report the same, and the reasons for such order, to any two members of the police committee for the county as soon afterwards as is practicable.

GENERAL INSTRUCTIONS.

The chief constable will make quarterly a report in writing to the sheriff and the police committee for the county, of the amount and effective state and operation of the force, and shall append thereto a statement of the distribution of the force, of the number of persons apprehended by the police, the nature of the charges against them, and the result of the proceedings, the number of offences reported to the police, and any other particulars which may tend to show the state of crime in the county. Immediately after the termination of each quarter, the chief constable shall transmit a copy of this report to the Secretary of State for the Home Department, with a copy of any note or minute made thereon by the sheriff or the police committee. But the chief constable need not transmit with such report the statement appended thereto, unless directed to do so by the sheriff or the police committee.

The chief constable will, subject to the approval of the sheriff, frame all such orders and regulations as he shall deem expedient for the government of the force, and shall submit to the sheriff and the police committee on the termination of every quarter, copies of all regulations and general orders made by him since the preceding quarter.

The chief constable will cause charge sheets, according to the annexed form A, to be kept by the constables under his orders; and will take care that the constables enter thereon the name, offence, and other particulars relating to every person apprehended by them; and lay the same before the Procurator Fiscal in whose districts the offences are charged to

Appendix C.

to have been committed. And when all the cases entered therein have been disposed of, the chief constable will cause the charge sheets to be sent to him, or to be kept safely by one of his subordinate officers.

The chief constable will also cause the constables to enter in a charge sheet, made according to the annexed form B, the particulars relating to every person against whom a charge is made, which is not taken by the constable. And at the expiration of every three months, the chief constable will transmit the charge sheets A and B to the sheriff clerk of the county, who will dispose of them as may be directed by the sheriff.

The chief constable will also make an immediate report to the sheriff and two justices of the peace of any serious disturbance of the public peace that has taken place or is apprehended, and of any crimes of an aggravated nature committed, and for which the parties charged or suspected have not been apprehended, and in order that further arrangements, if required, may be made without delay, he will immediately transmit duplicates of such information to the Secretary of State for the Home Department, so as to ensure the earliest commmuication to the proper authorities of any matter affecting the public peace.

FORM A.

County of

REPORT OF CHARGES from the   Day of   to the   Day of   18

No. of Charge.	When apprehended.	Persons charged; Age, Name, Address, and Occupation.	Charge.	Persons charging; Name, Address, and Occupation.	Witnesses; Name and Address.	Taken into Custody by	Property found on Person or elsewhere.	Detained.	Or Hour admitted to Bail.	Signature of Constable taking the Charge.	No. of Charge.	Procurator Fiscal to whom Charge is Reported.	Proceedings taken by Procurator Fiscal.	Magistrate before whom the Charge is brought.	Charge; how disposed of by Magistrate, and what Offence proved.	Remarks by Magistrate.

FORM B.

County of

REPORT OF CASES at   , in which the Charge was not taken.

Hour when brought in.	Name and Address of Complainant.	Nature of Charge or Complaint.	Name and Address of Person accused.	Name of the Constable and the Reason of the Charge not being taken.	—

RETURN showing the Number and Description of Crimes and Offences Committed, the Number of Males
Proceedings (so far as known to the Constabula

Class of Offence.	Description of Offence.	Number of Offences Committed.		Number of Persons Charged with Crimes and Offences. M.	F.	Total.		Tried. M.	F.	Total.		Convicted. M.	F.	Tot
No. 1. OFFENCES AGAINST THE PERSON.	Murder	1		2	–	2		–	–	–		–	–	–
	Child murder	2		–	2	2		–	1	1		–	1	1
	Concealment of pregnancy	1		–	1	1		–	–	–		–	–	–
	Culpable homicide	5		6	–	6		1	–	1		1	–	1
	Stabbing	1		1	–	1		1	–	1		1	–	1
	Rape	1		1	–	1		–	–	–		–	–	–
	Indecent assault	1		1	–	1		1	–	1		1	–	1
	Assault	268		264	47	311		188	35	223		175	29	204
	„ on peace officers	14		22	–	22		19	–	19		17	–	17
	„ with intent to ravish	6		6	–	6		4	–	4		4	–	4
	„ by throwing sulphuric acid	1		–	1	1		–	1	1		–	1	1
	Child desertion and exposure	1		–	1	1		–	1	1		–	1	1
	Incest	1		1	1	2		1	1	2		1	1	2
		303	303	304	53	357	357	215	39	254	254	200	33	233
No. 2. OFFENCES AGAINST PROPERTY.	Theft	426		204	118	322		152	91	243		147	84	231
	„ by housebreaking	26		15	1	16		7	1	8		6	1	7
	„ by shipbreaking	1		–	–	–		–	–	–		–	–	–
	„ by opening lockfast places	8		–	–	–		–	–	–		–	–	–
	„ and reset of theft	1		1	1	2		1	1	2		–	1	1
	Housebreaking with intent to steal	1		1	–	1		1	–	1		1	–	1
	Robbery and assault	2		3	–	3		–	–	–		–	–	–
	Forgery	1		1	–	1		1	–	1		1	–	1
	Uttering base coin	1		–	1	1		–	–	–		–	–	–
	Horse stealing	2		2	–	2		–	–	–		–	–	–
	Sheep stealing	2		1	–	1		–	–	–		–	–	–
	Breach of trust and embezzlement	15		14	1	15		8	–	8		8	–	8
	Fraud, and attempt to defraud	14		14	2	16		8	1	9		8	–	8
	Fire-raising	5		7	–	7		1	–	1		1	–	1
	Malicious mischief	126		145	8	153		89	7	96		83	7	90
		631	631	408	132	540	540	268	101	369	369	255	93	348
No. 3. MISCELLANEOUS OFFENCES.	Breach of the peace	302		452	83	535		333	68	401		319	61	380
	Assault, and breach of the peace	149		174	28	202		142	24	166		136	22	158
	Obstructing the police	3		4	–	4		2	–	2		2	–	2
	Drunk and disorderly (burgh offences)	5		5	–	5		2	–	2		2	–	2
	Poaching (day)	32		43	–	43		38	–	38		31	–	31
	„ (night)	7		13	–	13		7	–	7		6	–	6
	Illegal possession of game	3		3	–	3		2	–	2		2	–	2
	Contravention of Poaching Prevention Act	3		7	–	7		4	–	4		4	–	4
	Illegal fishing	3		6	–	6		6	–	6		6	–	6
	Contravention of Burgh Act and bye-laws	20		32	2	34		20	2	22		18	1	19
	„ of Weights and Measures Acts	93		77	17	94		36	12	48		36	12	48
	„ of Railway Act and bye-laws	5		4	2	6		4	–	4		4	–	4
	„ of Hawker's Act	8		9	–	9		9	–	9		9	–	9
	„ of Cattle Diseases Prevention Act and Privy Council Orders	2		2	–	2		2	–	2		2	–	2
	„ of Trespass Act	8		15	–	15		14	–	14		14	–	14
	„ of Pawnbroker's Act	1		1	–	1		–	–	–		–	–	–
	„ of Merchant Shipping Act	3		3	–	3		3	–	3		3	–	3
	„ of Registration Act	2		2	–	2		1	–	1		1	–	1
	„ of Marriage Laws	1		2	–	2		–	–	–		–	–	–
	„ of Master and Servant Act	7		7	–	7		5	–	5		5	–	5
	Breach of Certificate (innkeeper)	38		34	4	38		15	2	17		13	1	14
	„ (publican)	54		47	7	54		23	5	28		22	5	27
	„ (spirit dealer)	16		13	4	17		10	3	13		10	3	13
	Selling spirits without a licence	15		9	9	18		5	7	12		4	6	10
	Other Contraventions of Public Houses Acts	55		50	6	56		16	2	18		16	2	18
	Road offences	109		103	8	111		55	1	56		51	1	52
	Furious driving	3		5	–	5		4	–	4		4	–	4
	Perjury	2		2	–	2		–	–	–		–	–	–
	Culpable neglect of duty	1		1	–	1		1	–	1		1	–	1
	Culpable and reckless conduct	1		1	–	1		–	–	–		–	–	–
	Cruelty to animals	4		4	2	6		2	–	2		2	–	2
	Keeping a vicious dog	1		1	–	1		–	–	–		–	–	–
	Contempt of Court	1		1	–	1		1	–	1		1	–	1
	Laying down poisoned meat	1		2	–	2		2	–	2		1	–	1
	Desertion from Her Majesty's service	5		5	–	5		5	–	5		5	–	5
		963	963	1,139	172	1,311	1,311	769	126	895	895	730	114	844
	TOTAL	–	1,897	–	–	–	2,208	–	–	–	1,518	–	–	–

M.—Male. F.—Female.

es charged with Crimes and Offences, the Nature of the Charges against them, and the Result of the
0th September 1866 to 29th September 1867.

cquitted.			No Proceedings.				Parties not yet Tried.				Absconded.				Proceedings Dropped.				Number of Offences Un-detected.
.	TOTAL.		M.	F.	TOTAL.		M.	F.	TOTAL.		M.	F.	TOTAL.		M.	F.	TOTAL.		
–	–		–	–	–		–	–	–		–	–	–		2	–	2		
–	–		–	–	–		–	–	–		–	–	–		–	1	1		
–	–		–	–	–		–	–	–		–	–	–		–	1	1		
–	–		–	–	–		1	–	1		–	–	–		4	–	4		
–	–		–	–	–		–	–	–		–	–	–		–	–	–		
–	–		–	–	–		1	–	1		–	–	–		–	–	–		
–	–		–	–	–		–	–	–		–	–	–		–	–	–		
5	19		26	4	30		16	5	21		29	2	31		5	1	6		1
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5	21	21	27	4	31	31	18	5	23	23	33	2	35	35	11	3	14	14	
7	12		13	7	20		15	2	17		20	7	27		4	11	15		174
–	1		3	–	3		–	–	–		2	–	2		3	–	3		13
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1	1		1	–	1		2	–	2		2	–	2		1	1	2		
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–	6		36	1	37		13	–	13		4	–	4		3	–	3		24
8	21	21	54	9	63	63	32	2	34	34	34	8	42	42	20	12	32	32	
7	21		12	5	17		34	3	37		65	4	69		8	3	11		
2	8		3	–	3		10	4	14		19	–	19		–	–	–		
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–	7		3	–	3		1	–	1		–	–	–		1	–	1		
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1	3		–	–	–		1	–	1		10	–	10		1	–	1		
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1	3		13	2	15		1	–	1		–	–	–		5	–	5		
–	1		18	2	20		3	–	3		–	–	–		3	–	3		
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1	2		3	2	5		1	–	1		–	–	–		–	–	–		
–	–		15	2	17		3	–	3		15	1	16		1	1	2		
–	4		38	7	45		6	–	6		–	–	–		4	–	4		
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12	51	51	142	28	170	170	83	9	92	92	112	5	117	117	33	4	37	37	
–	–	93	–	–	–	264	–	–	–	149	–	–	–	194*	–	–	–	83	223

* This number includes persons who forfeited bail or deposit accepted by magistrates, or by officers specially authorised.

Appendix C.

RETURN showing the Number and Description of Deaths, Accidents, and Casualties investigated by the Constabulary, from 30th September 1866 to 29th September 1867.

NATURE OF CASUALTIES.	Number of Persons Killed.			Number of Persons Injured.		
	Males.	Females.	Total.	Males.	Females.	Total.
Suicide and attempted suicide - -	8	4	12	–	2	2
Accidental burning - - -	3	1	4	2	6	8
„ drowning - - -	7	6	13	–	–	–
„ poisoning - - -	1	–	1	–	–	–
Sudden death (accidental) - -	43	33	76	–	–	–
Found dead - - - - -	5	–	5	–	–	–
Accidents in coal mines - - -	15	–	15	50	–	50
„ in ironstone mines - -	5	–	5	19	–	19
Firedamp explosions (in coal mines)	–	–	–	8	–	8
„ „ (in ironstone mines) -	–	–	–	2	–	2
Accidents by machinery - - -	7	1	8	6	–	6
„ by carts and other vehicles	8	2	10	4	2	6
Railway accidents (passenger trains)	4	–	4	–	–	–
„ „ (mineral and goods trains) - -	15	2	17	6	–	6
Miscellaneous casualties - - -	19	2	21	9	1	10
	140	51	191	106	11	117

Note.—In addition to the accidents and casualties above specified, by which persons were killed or injured, 19 cases of destruction of property by fire (accidental), four cases of shipwreck, and 10 cases of the loss of property (not by theft), were reported to, and investigated by, the constabulary.

REMARKS.

Proportion of Detections.—The proportion of *Detections* (above 14-16ths on the whole, and nearly 11-16ths in relation to *Offences against Property*), exceeds in the former case, and equals in the latter, the proportion in recent years, taking into account the increase of the latter offences shown in this year's Return.

Property Stolen.—Estimated value of property stolen during the year, 713 *l.* 14 *s.* 1½ *d.*; amount recovered, 411 *l.* 7 *s.* 9½ *d.*; estimated loss, 302 *l.* 6 *s.* 4 *d.*

Vagrancy.—The Weekly Vagrancy Returns for last year contain the names and descriptions of 12,389 vagrants (tramps, beggars, gipsies, tinkers, and unlicensed hawkers), including children, who were found within the county, and turned back, passed on, or otherwise disposed of by the constabulary, acting without any effective law against vagrancy; but in many cases the same persons are repeatedly found within the county, and entered in several returns, and therefore it is probable that the actual number of vagrants discovered was about one-third of the *apparent* number, that is, about 4,127, which shows an increase within the year.

J. Young,
Chief Constable of Ayrshire.

Chief Constable's Office, Ayr,
12 October 1867.

(Referred to in Answer to Question 2338)

Unto the Right honourable *Gathorne Hardy*, M. P., &c., &c., &c., one of Her Majesty's Principal Secretaries of State.

PRAYER of the MEMORIAL of the Commissioners of Supply of the County of *Aberdeen*, in General Meeting assembled.

Your Memorialists therefore pray that you will be pleased to take the premises into consideration, and to communicate on the subject with the Lords of the Treasury, with a recommendation to them to issue instructions for the payment of the whole expenses incurred by procurators fiscal out of public funds; and they further pray that the Government may see fit to endeavour to have a measure passed into law, either in the shape of an Amendment of the County General Assessment Bill, or otherwise, giving effect to the views of your Memorialists, by enacting that the whole remuneration and outlays of procurators fiscal shall in future be paid out of public funds, and that these officials shall have no claim whatever against the county rates; which measure should also define what other criminal expenses shall be chargeable against counties, and provide that the same shall form a charge on the police assessment, leviable under the Act 20 & 21 Vict. c. 72.

Signed in name and by appointment of the Annual General Meeting of Commissioners of Supply of the County of Aberdeen, held at Aberdeen, on the Thirtieth day of April, Eighteen Hundred and Sixty-eight, by

Alex. Forbes Irvine,
Convener of the County and Chairman of the Meeting.

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TO THE

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON THE

COUNTY AND BURGH POLICE SYSTEMS OF SCOTLAND.

Ordered, by The House of Commons, *to be Printed,*
28 *July* 1868.

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Benefit Societies. Advantage if benefit societies were more generally taken advantage of by the police, *Young* 287, 288——Approval of a superannuation fund rather than of benefit societies, *ib.* 706–708.

Berwickshire. Appointment of a considerable number of additional constables in Berwickshire at the expense of private parties, for looking after the Tweed, and for enforcing the game laws, *G. H. List* 1357, 1358. 1388-1395——In Berwickshire six additional men are employed in enforcing the game laws, *ib,* 1357. 1395——Police rate in Berwickshire of 1 *d.* in the pound, *ib.* 1410—— Harmonious and beneficial working of the arrangements in the county for protecting the fisheries and game against poachers, *ib.* 1473–1477.

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C.

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1. *As to the relative Functions and Action of the Procurator Fiscal and Chief Constable, and as to the Liability to Collision in the Detection of Crime.*
2. *Advantage of Special Constables attached to the Procurators Fiscal.*
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8. *Conclusions and Recommendations of the Committee.*

1. *As to the relative Functions and Action of the Procurator Fiscal and Chief Constable, and as to the Liability to Collision in the Detection of Crime:*

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